

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D27936
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_____AD3d_____

Submitted - May 25, 2010

STEVEN W. FISHER, J.P.
FRED T. SANTUCCI
HOWARD MILLER
PLUMMER E. LOTT, JJ.

2009-09641

DECISION & ORDER

Washington Mutual Bank, FA, etc., respondent, v
Peak Health Club, Inc., et al., defendants, Arnold
Marshel, appellant (and another title).

(Index No. 18977/03)

Meyer, Suozzi, English & Klein, P.C., Garden City, N.Y. (Jeffrey G. Stark of
counsel), for appellant.

Herrick, Feinstein, LLP, New York, N.Y. (Arthur G. Jakoby of counsel), for
respondent.

Appeal by the defendant Arnold Marshel, as limited by his brief, from stated portions
of an amended judgment of the Supreme Court, Nassau County (Warshawsky, J.), entered September
30, 2009.

ORDERED that the judgment is affirmed insofar as appealed from, with costs for
reasons stated by Justice Warshawsky at the Supreme Court.

FISHER, J.P., SANTUCCI, MILLER and LOTT, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

June 29, 2010

WASHINGTON MUTUAL BANK, FA v PEAK HEALTH CLUB, INC.