

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

D29283  
W/kmb

\_\_\_\_\_AD3d\_\_\_\_\_

Argued - November 1, 2010

PETER B. SKELOS, J.P.  
RUTH C. BALKIN  
RANDALL T. ENG  
LEONARD B. AUSTIN, JJ.

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2009-09487

DECISION & ORDER

Bank of America, N.A., successor by merger to Fleet National Bank, respondent, v Integrated Construction Management, Inc., defendant, Roger Rowe, appellant.

(Index No. 8365/08)

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Roger Rowe, Amityville, N.Y., appellant pro se.

Moritt Hock Hamroff & Horowitz LLP, Garden City, N.Y. (Lee J. Mendelson of counsel), for respondent.

In an action to recover on a promissory note and a guarantee, the defendant Roger Rowe appeals from an order of the Supreme Court, Suffolk County (Tanenbaum, J.), dated September 22, 2009, which denied his motion to stay, as against him, enforcement of a judgment of the same court entered March 9, 2009, in favor of the plaintiff and against him and the defendant Integrated Construction Management, Inc., jointly and severally, in the principal sum of \$310,985.22.

ORDERED that the order is affirmed, with costs.

The Supreme Court properly denied the appellant's motion to stay, as against him, the enforcement of a judgment entered against him and the defendant Integrated Construction Management, Inc. (hereinafter ICM), a corporation of which he was president. Contrary to the appellant's contention, ICM's filing of a bankruptcy petition did not affect his personal liability under a guarantee of a promissory note he executed on behalf of ICM (*see Mel Wood Prods. v Kores*, 81

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BANK OF AMERICA, N.A., successor by merger to FLEET NATIONAL BANK v  
INTEGRATED CONSTRUCTION MANAGEMENT, INC.

AD2d 830; *Seidenberg v Ostojic*, 79 AD2d 1020; *cf. Fleet Natl. Bank v Marrazzo*, 23 AD3d 337).

The appellant's contentions concerning the timeliness of the plaintiff's submission of a proposed judgment to the Supreme Court for settlement and signature, and the amount of interest on the judgment, are not properly before this Court, as they were improperly raised for the first time on appeal.

SKELOS, J.P., BALKIN, ENG and AUSTIN, JJ., concur.

ENTER:

  
Matthew G. Kiernan  
Clerk of the Court