

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

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_____AD3d_____

Argued - December 6, 2010

REINALDO E. RIVERA, J.P.
THOMAS A. DICKERSON
PLUMMER E. LOTT
SANDRA L. SGROI, JJ.

2010-07081

DECISION & ORDER

Steph-Leigh Associates, LLC, appellant, v Haskell
Dweck, et al., respondents.

(Index No. 15247/08)

Michael C. Manniello, P.C., Westbury, N.Y., for appellant.

Goldberg Weprin Finkel Goldstein, LLP, New York, N.Y. (Arthur A. Hirschler of
counsel), for respondents.

In an action, inter alia, to recover unpaid rent pursuant to a lease, the plaintiff appeals
from so much of an order of the Supreme Court, Nassau County (Winslow, J.), entered July 19,
2010, as denied that branch of its motion which was for a turnover order pursuant to CPLR 5225(a).

ORDERED that the order is affirmed insofar as appealed from, with costs.

The Supreme Court properly denied, on the merits, that branch of the plaintiff's
motion which was for a turnover order pursuant to CPLR 5225(a). In support of its motion, the
plaintiff failed to meet its burden of "show[ing] that the judgment debtor[s] [are] in possession or
custody of money or other personal property in which [they] ha[ve] an interest" (CPLR 5225[a]).

In light of our determination, we need not reach the plaintiff's remaining contention.

RIVERA, J.P., DICKERSON, LOTT and SGROI, JJ., concur.

ENTER:



Matthew G. Kiernan
Clerk of the Court

January 18, 2011

STEPH-LEIGH ASSOCIATES, LLC v DWECK