

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

D30783  
Y/kmb

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

Submitted - March 15, 2011

REINALDO E. RIVERA, J.P.  
CHERYL E. CHAMBERS  
L. PRISCILLA HALL  
PLUMMER E. LOTT, JJ.

---

2010-03726

DECISION & ORDER

Wendell E. Shabazz, appellant, v Verizon  
New York, Inc., et al., respondents.

(Index No. 5101/09)

---

Wendell E. Shabazz, South Ozone Park, N.Y., appellant pro se.

Montfort, Healy, McGuire & Salley, Garden City, N.Y. (Donald S. Neumann, Jr., of  
counsel), for respondents.

In an action, inter alia, to recover damages for violations of General Business Law §§  
349 and 350, the plaintiff appeals from an order of the Supreme Court, Queens County (Golia, J.),  
entered March 29, 2010, which denied his motion for leave to amend the complaint.

ORDERED that the order is affirmed, with costs.

The plaintiff moved pursuant to CPLR 3025(b) for leave to amend the complaint to  
add additional factual allegations. Since the proposed amendments were palpably insufficient to state  
any causes of action or were patently devoid of merit, the Supreme Court properly denied the  
plaintiff's motion (*see Dmytryszyn v Herschman*, 78 AD3d 1108, 1109-1110; *Matter of Haberman*  
*v Zoning Bd. of Appeals of City of Long Beach*, 78 AD3d 945, 946; *Lucido v Mancuso*, 49 AD3d  
220, 225-229).

RIVERA, J.P., CHAMBERS, HALL and LOTT, JJ., concur.

ENTER:

  
Matthew G. Kiernan  
Clerk of the Court

April 12, 2011

SHABAZZ v VERIZON NEW YORK, INC.