

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

D31974
G/kmb

_____AD3d_____

Argued - June 14, 2011

REINALDO E. RIVERA, J.P.
ANITA R. FLORIO
LEONARD B. AUSTIN
JEFFREY A. COHEN, JJ.

2010-07835

DECISION & ORDER

Roslyn Union Free School District, respondent,
v Michael Barkan, et al., defendants, William
Costigan, et al., appellants.

(Index No. 5946/05)

Sokoloff Stern LLP, Westbury, N.Y. (Brian S. Sokoloff, Adam I. Kleinberg, and Mark A. Radi of counsel), for appellants.

Farrell Fritz, P.C., Uniondale, N.Y. (James M. Wicks, Aaron E. Zerykier, and Ethan A. Kobre of counsel), for respondent.

In an action, inter alia, to recover damages for breach of fiduciary duty and negligence, the defendants William Costigan, Ronna Niederman, Patricia Schissel, and Ellen Siegel appeal from an order of the Supreme Court, Nassau County (Cozzens, Jr., J.), dated July 15, 2010, which denied their motion to disqualify the plaintiff's counsel.

ORDERED that the order is affirmed, with costs.

The Supreme Court providently exercised its discretion in denying the appellants' motion to disqualify the plaintiff's counsel (*see Tekni-Plex, Inc. v Meyner & Landis*, 89 NY2d 123, 131; *Solow v Grace & Co.*, 83 NY2d 303, 308; *Talvy v American Red Cross in Greater N.Y.*, 205 AD2d 143, 148-149, *affd* 87 NY2d 826).

RIVERA, J.P., FLORIO, AUSTIN and COHEN, JJ., concur.

ENTER:


Matthew G. Kiernan

June 28, 2011

ROSLYN UNION FREE SCHOOL DISTRICT v BARKAN

Clerk of the Court

June 28, 2011

ROSLYN UNION FREE SCHOOL DISTRICT v BARKAN