

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

D32856
N/nl/kmb

_____AD3d_____

Submitted - October 11, 2011

A. GAIL PRUDENTI, P.J.
PETER B. SKELOS
RUTH C. BALKIN
SANDRA L. SGROI, JJ.

2010-06127

DECISION & ORDER

David B. Jacobs, appellant, v Georgia Grant, et al.,
defendants, Hawthorne Gardens Owners Corp.,
respondent.

(Index No. 2303/09)

David B. Jacobs, Dix Hills, N.Y., appellant pro se.

Schneider Mitola, LLP, Garden City, N.Y. (Jeffrey V. Basso of counsel), for
respondent.

In an action, inter alia, to recover damages for conversion, the plaintiff appeals, as limited by his notice of appeal and brief, from stated portions of an order of the Supreme Court, Nassau County (Parga, J.), entered May 7, 2010, which, among other things, denied that branch of his motion which was to consolidate this action with a summary proceeding entitled *Matter of Hawthorne Gardens Owners Corp. v Jacobs*, pending in the District Court, Nassau County, under Index No. SP 004412/09.

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

Contrary to the plaintiff's contentions, the Supreme Court did not improvidently exercise its discretion in denying that branch of his motion which was to consolidate this action with a summary proceeding entitled *Matter of Hawthorne Gardens Owners Corp. v Jacobs*, pending in the District Court, Nassau County, under Index No. SP 004412/09 (*see* CPLR 602[a]; *107-48 Queens Blvd. Holding Corp. v ABC Brokerage*, 238 AD2d 557; *Titleserv, Inc. v Zenobio*, 210 AD2d 310, 311).

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The plaintiff's remaining contentions are without merit.

PRUDENTI, P.J., SKELOS, BALKIN and SGROI, JJ., concur.

ENTER 
Matthew G. Kiernan
Clerk of the Court