

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

D33653  
O/kmb

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

Argued - December 20, 2011

REINALDO E. RIVERA, J.P.  
SHERI S. ROMAN  
SANDRA L. SGROI  
JEFFREY A. COHEN, JJ.

---

2011-02628

DECISION & ORDER

Winston Chiu, appellant, v Man Choi Chiu, et al.,  
respondents.

(Index No. 25275/07)

---

Schlam Stone & Dolan, LLP, New York, N.Y. (Michael C. Marcus of counsel;  
Jeffrey M. Eilender, Jonathan Mazer, and Samuel L. Butt on the brief), for appellant.

Warshaw Burstein Cohen Schlesinger & Kuh, LLP, New York, N.Y. (Bruce H.  
Wiener of counsel), for respondents.

In an action, inter alia, for a judgment declaring the parties' interests in a certain limited liability company, the plaintiff appeals, as limited by his brief, from so much of an order of the Supreme Court, Queens County (Strauss, J.), entered February 3, 2011, as denied that branch of his motion which was for summary judgment declaring that his interest in the limited liability company is at least 25%.

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

The Supreme Court properly denied that branch of the plaintiff's motion which was for summary judgment declaring that his interest in the subject limited liability company was at least 25% (*see Man Choi Chiu v Chiu*, \_\_\_\_\_AD3d\_\_\_\_\_ [Appellate Division Docket No. 2011-02501, decided herewith]).

RIVERA, J.P., ROMAN, SGROI and COHEN, JJ., concur.

ENTER:

  
Aprilanne Agostino  
Clerk of the Court

February 28, 2012

CHIU v MAN CHOI CHIU