

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

D33994  
Y/prt

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

Submitted - February 1, 2012

DANIEL D. ANGIOLILLO, J.P.  
ANITA R. FLORIO  
JOHN M. LEVENTHAL  
PLUMMER E. LOTT, JJ.

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2011-02104

DECISION & ORDER

Kim McKenzie, et al., appellants, v  
Sonia Metellus, respondent.

(Index No. 20822/06)

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Himmel & Bernstein, LLP, New York, N.Y. (Andrew D. Himmel of counsel), for appellants.

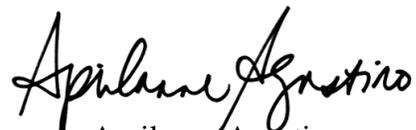
In an action to recover damages for legal malpractice, the plaintiffs appeal, as limited by their brief, from so much of an order of the Supreme Court, Kings County (Martin, J.), dated October 6, 2010, as denied their cross motion pursuant to CPLR 306-b to extend their time to serve the summons and complaint upon the defendant.

ORDERED that the order is affirmed insofar as appealed from, without costs or disbursements.

Contrary to the plaintiffs' contentions, the Supreme Court did not improvidently exercise its discretion in denying their cross motion to extend their time to serve the summons and complaint pursuant to CPLR 306-b. The plaintiffs did not demonstrate circumstances that would support the grant of such relief in the interests of justice or for good cause shown (*see Otero v Flushing Hosp.*, 300 AD2d 639, 640; *Rihal v Kirchhoff*, 291 AD2d 548).

ANGIOLILLO, J.P., FLORIO, LEVENTHAL and LOTT, JJ., concur.

ENTER:

  
Aprilanne Agostino  
Clerk of the Court

February 14, 2012

McKENZIE v METELLUS