

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

D34480
G/prt

____AD3d____

Submitted - March 14, 2012

PETER B. SKELOS, J.P.
THOMAS A. DICKERSON
L. PRISCILLA HALL
SHERI S. ROMAN
JEFFREY A. COHEN, JJ.

2011-05107

DECISION & ORDER

Jose Loza, et al., appellants, v Jagga Alluri, etc., et al.,
defendants, Michael Schuman, etc., respondent.

(Index No. 34576/09)

David Horowitz, P.C., New York, N.Y. (Steven J. Horowitz of counsel), for
appellants.

Gerspach Sikoscow LLP, New York, N.Y. (Alexander Sikoscow of counsel), for
respondent.

In an action, inter alia, to recover damages for medical malpractice, etc., the plaintiffs
appeal from an order of the Supreme Court, Queens County (O'Donoghue, J.), entered March 31,
2011, which denied that branch of their motion which was pursuant to CPLR 306-b to extend the
time within which to serve the summons and complaint upon the defendant Michael Schuman, and
granted that defendant's cross motion pursuant to CPLR 3211(a)(8) to dismiss the complaint insofar
as asserted against him on the ground of lack of personal jurisdiction.

ORDERED that the order is affirmed, with costs.

Contrary to the plaintiffs' contentions, the Supreme Court did not improvidently
exercise its discretion in denying that branch of their motion which was pursuant to CPLR 306-b to
extend the time within which to serve the summons and complaint upon the defendant Michael
Schuman, their second request for such relief. Other than the expiration of the relevant statute of
limitations, the plaintiffs did not demonstrate facts and circumstances that would support the grant
of such relief in the interest of justice or for good cause shown (*see Crystal v Linsnow*, 56 AD3d

April 10, 2012

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713; *Otero v Flushing Hosp.*, 300 AD2d 639, 640; *Rihal v Kirchhoff*, 291 AD2d 548).

SKELOS, J.P., DICKERSON, HALL, ROMAN and COHEN, JJ., concur.

ENTER:

A handwritten signature in black ink, appearing to read "Aprilanne Agostino". The signature is written in a cursive, flowing style.

Aprilanne Agostino
Clerk of the Court