

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

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_____AD3d_____

Argued - September 6, 2012

MARK C. DILLON, J.P.
THOMAS A. DICKERSON
LEONARD B. AUSTIN
ROBERT J. MILLER, JJ.

2008-11069

DECISION & ORDER

Stabilis Fund II, LLC, respondent, v Ridgewood
Realty of L.I., Inc., et al., defendants, Madalyn Bottone,
etc., et al., appellants.

(Index No. 15759/07)

Neil Cahn, PLLC, Carle Place, N.Y. (Law Offices of David A. Day, P.C., former of
counsel on the brief), for appellants.

Reed Smith, LLP, New York, N.Y. (James Andriola of counsel and Jspan
Schlesinger LLP [Joanne L. Oweis and Antonia M. Donohue], former of counsel on
the brief), for respondent.

Jones Hirsch Connors & Bull P.C., New York, N.Y. (Rita W. Gordon and Warren
A. Herland of counsel), for defendants Westrock Appraisal Services Corp. and
Steven R. Romer.

In an action, inter alia, to foreclose a mortgage and to recover damages for fraud,
Madalyn Bottone and Mark Robert Brody, as administrators of the estate of Morton Brody, and
Steve Kates, also known as Steven Kates, appeal, as limited by their brief, from so much of an order
of the Supreme Court, Queens County (Rosengarten, J.), dated October 16, 2008, as denied their
motion pursuant to CPLR 3211(a)(1) and (7), and 3016(b) to dismiss the amended complaint insofar
as asserted against them.

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

November 7, 2012

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STABILIS FUND II, LLC v RIDGEWOOD REALTY OF L.I., INC.

Under the particular circumstances of this case, the Supreme Court properly denied the motion of the defendants Madalyn Bottone and Mark Robert Brody, as administrators of the estate of Morton Brody, and Steve Kates, also known as Steven Kates, pursuant to CPLR 3211(a)(1) and (7) and 3016(b) to dismiss the complaint insofar as asserted against them.

DILLON, J.P., DICKERSON, AUSTIN and MILLER, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court