

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

D36491
G/ct

_____AD3d_____

Argued - October 1, 2012

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

2011-05343

DECISION & ORDER

Ginsburg Development Companies, LLC, respondent,
v Donald J. Carbone, etc., et al., appellants
(and a third-party action).

(Index No. 17369/08)

Wilson Elser Moskowitz Edelman & Dicker, LLP, New York, N.Y. (Thomas A. Leghorn and Cori Rosen of counsel), for appellants.

Riker, Danzig, Scherer, Hyland & Perretti, LLP, New York, N.Y. (Jonathan P. Vuotto and Thomas P. Sheridan of counsel), for respondent.

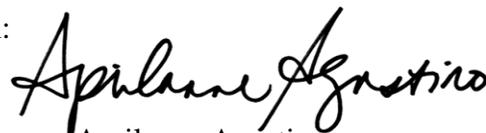
In an action, inter alia, to recover damages for fraud, the defendants appeal from so much an order of the Supreme Court, Westchester County (Loehr, J.), entered April 12, 2011, as denied their cross motion to disqualify nonparties Jonathan P. Vuotto and Riker, Danzig, Scherer, Hyland & Perretti, LLP, as counsel for the plaintiff in this action.

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

The Supreme Court providently exercised its discretion in denying the defendants' cross motion to disqualify Jonathan P. Vuotto and his law firm, Riker, Danzig, Scherer, Hyland & Perretti, LLP, as counsel for the plaintiff in this action (*see Light v Light*, 64 AD3d 633, 635; *Hudson Val. Mar., Inc. v Town of Cortlandt*, 54 AD3d 999, 1000-1001; *see also Magnus v Sklover*, 95 AD3d 837, 838).

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

ENTER:



Aprilanne Agostino
Clerk of the Court

November 21, 2012

GINSBURG DEVELOPMENT COMPANIES, LLC v CARBONE