

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

D54336
L/htr

____ AD3d ____

Argued - October 10, 2017

MARK C. DILLON, J.P.
JEFFREY A. COHEN
FRANCESCA E. CONNOLLY
LINDA CHRISTOPHER, JJ.

2016-01448

DECISION & ORDER

Chester Green Estates, LLC, appellant, v Arlington
Chester, LLC, et al., respondents (and a third-party
action).

(Index No. 6965/14)

Fabricant Lipman & Frishberg, PLLC, Goshen, NY (Alan S. Lipman of counsel), for
appellant.

MacVean, Lewis, Sherwin & McDermott, P.C., Middletown, NY (Kevin F. Preston
of counsel), for respondents.

In an action for specific performance of two contracts for the sale of real property and
for a judgment declaring that the contracts are binding and enforceable, the plaintiff appeals, as
limited by its brief, from so much of an order of the Supreme Court, Orange County (Sandra B.
Sciortino, J.), dated December 21, 2015, as denied that branch of its motion which was to vacate an
order of the same court dated May 13, 2015, granting the defendants' application to dismiss the
cause of action for specific performance and, in effect, for a declaration in their favor and directing
the cancellation of the notice of pendency.

ORDERED that the appeal is dismissed as academic, with costs to the plaintiff, in
light of our determination on a related appeal from an order of the Supreme Court, Orange County,
dated March 31, 2015 (*see Chester Green Estates, LLC v Arlington Chester, LLC*, __ AD3d __
[Appellate Division Docket No. 2015-07222; decided herewith]).

DILLON, J.P., COHEN, CONNOLLY and CHRISTOPHER, JJ., concur.

ENTER: 

Aprilanne Agostino
Clerk of the Court

May 23, 2018

CHESTER GREEN ESTATES, LLC v ARLINGTON CHESTER, LLC