

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

D57082
T/htr

_____AD3d_____

Submitted - May 10, 2018

ALAN D. SCHEINKMAN, P.J.
REINALDO E. RIVERA
ROBERT J. MILLER
HECTOR D. LASALLE, JJ.

2017-00445

DECISION & ORDER

Kristeel, Inc., respondent, v Seaview Development Corp., et al., appellants.

(Index No. 609218/15)

Tarbet & Lester, PLLC, East Hampton, NY (Brian J. Lester of counsel), for appellants.

Pinks, Arbeit & Nemeth, Hauppauge, NY (Teresa A. White of counsel), for respondent.

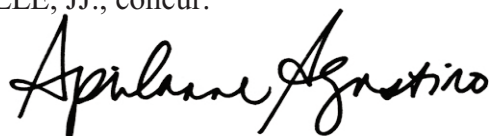
In an action, inter alia, to foreclose a mechanic's lien, the defendants appeal from an order of the Supreme Court, Suffolk County (Ralph T. Gazzillo, J.), dated July 19, 2016. The order denied the defendants' motion pursuant to, inter alia, CPLR 3211(a)(7) to dismiss the complaint and to vacate the subject mechanic's lien.

ORDERED that the order is reversed, on the law, with costs, and the defendants' motion to dismiss the complaint and to vacate the subject mechanic's lien is granted.

The order is reversed for the reasons stated in the companion case entitled *Kristeel, Inc. v Seaview Dev. Corp.* (_____ AD3d _____ [Appellate Division Docket No. 2016-10061; decided herewith]).

SCHEINKMAN, P.J., RIVERA, MILLER and LASALLE, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

October 31, 2018

KRISTEEL, INC. v SEAVIEW DEVELOPMENT CORP.