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This memorandum is uncorrected and subject to revision before
publication in the New York Reports.

No. 69 SSM 29
In the Matter of 155 West 21st
Street, LLC,
 Appellant,
et al.,
 Petitioner,
 v.
Alistair McMullan,
 Respondent,
et al.,
 Respondent.

 Submitted by Nathaniel Z. Marmur, for appellant.
 Submitted by Gregory Sheindlin, for respondent
McMullan.

* * * * *

On review of submissions pursuant to section 500.11 of the Rules,
order reversed, with costs, and respondent's cross motion for
sanctions, costs, and attorneys' fees denied. Under these
circumstances, the Appellate Division abused its discretion in
imposing sanctions for frivolous conduct. Chief Judge Lippman
and Judges Read, Pigott, Rivera and Abdus-Salaam concur.

Decided January 8, 2015