

Board of Mgrs. of the S. Star v Beni Constr. Co., Inc.

Motion No: 2021-02983

Slip Opinion No: 2021 NYSlipOp 73132(U)

Decided on October 14, 2021

Appellate Division, First Department, Motion Decision

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Judiciary Law § 431.

This motion is uncorrected and is not subject to publication in the
Official Reports.

**Supreme Court Of the State Of New York
Appellate Division, First Judicial Department**

Present – Hon. Rolando T. Acosta,
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische
Barbara R. Kapnick,

Presiding Justice,

Justices.

Board of Managers of the South Star,
Plaintiff-Respondent,

Motion No. **2021-02983**

Index No. 159128/12

Case No. 2021-01874

-against-

Beni Construction Co., Inc.,
Defendant-Appellant,

WSA Equities, LLC, et al.,
Defendants-Respondents-Appellants,

Corcoran Group Marketing, etc., et al.,
Defendants,

Stephen B. Jacobs Group, P.C., Stephen B.
Jacobs,
Defendants-Appellants.

Beni Construction,
Third-Party Plaintiff-Appellant,

-against-

Martin Feld of Sovereign, Ltd., et al.,
Third-Party Defendants-Respondents.

WSA Equities, et al.,
Second Third-Party Plaintiffs-Appellants,

-against-

Steven Kaplan, P.E., et al.,
Second Third-Party Defendants-Respondents.

Three appeals having been taken to this Court from an order of the Supreme Court, New York County, entered on or about April 15, 2021,

Now, upon reading and filing the correspondence from counsel for defendant/third-party plaintiff-appellant Beni Construction Co., Inc., dated September 02, 2021, and due deliberation having been had thereon,

It is ordered that the appeal taken by defendant/third-party plaintiff-appellant Beni Construction is deemed withdrawn in accordance with the aforesaid correspondence. The appeals taken by defendants/second third-party plaintiffs-appellants WSA Equities, LLC, WSA Management Ltd., 80 John Condominium LLC, William Achenbaum, Fred Oliver, Carol Achenbaum and Michael Achenbaum, and defendants-appellants Stephen B. Jacobs Group, P.C. and Stephen B. Jacobs from Supreme Court's April 15, 2021 order shall remain extant.

ENTERED: October 14, 2021



Susanna Molina Rojas
Clerk of the Court