

Bernardez v 70 Franklin Place LLC

Motion No: 2022-00175

Slip Opinion No: 2022 NYSlipOp 61564(U)

Decided on February 10, 2022

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.

Kevin Bernardez,
Plaintiff-Respondent-Appellant,

Motion No. 2022-00175
Index No. 23381/14E
Case No. 2021-01649

-against-

70 Franklin Place LLC, LF Franklin LLC, and
Centaur Properties, LLC,
Defendants-Appellants-Respondents

-and-

Environmental Appraisers & Builders LLC, et
al.
Defendants.

LF Franklin LLC and Centaur Properties,
LLC,
Third-Party Plaintiffs-Appellants,

-against-

Third-Party
Index No. 41357/14E

Elmac Electric Inc.,
Third-Party Defendant-Appellant.

Environmental Appraisers & Builders LLC,
Second Third-Party Plaintiff-Respondent.
Respondent,

-against-

Second
Third-Party
Index No. 43248/16E

Elmac Electric Inc.,
Second Third-Party Defendant-Appellant.

Appeals having been taken to this Court from an order of the Supreme Court, Bronx County, entered on or about April 30, 2021, and plaintiff's appeal having been perfected,

Now, upon reading and filing the correspondence from counsel for third-party defendant/second third-party defendant-appellant Elmac Electric Inc., dated January 13, 2022, and due deliberation having been had thereon,

It is ordered that only the appeal taken by third-party defendant/second third-party defendant-appellant Elmac Electric Inc. is deemed withdrawn in accordance with the aforesaid correspondence.

ENTERED: February 10, 2022

A handwritten signature in black ink, appearing to read "Susanna M. Rojas". The signature is fluid and cursive, with the first name "Susanna" and the last name "Rojas" clearly distinguishable.

Susanna Molina Rojas
Clerk of the Court