

**Edgardo A. Herrero v 2146 Nostrand Ave. Assoc., LLC, et al.**

Motion No: 2022-00387

Slip Opinion No: 2022 NYSlipOp 62279(U)

Decided on March 01, 2022

Appellate Division, First Department, Motion Decision

Published by [New York State Law Reporting Bureau](#) pursuant to  
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.

---

---

Edgardo A. Herrero,  
Plaintiff-Respondent,

Motion No. **2022-00387**  
Index No. 153673/2015  
Case No. 2021-02578

-against-

2146 Nostrand Avenue Associates, LLC,  
ACHS Management Corp., Shawmut  
Woodworking & Supply, Inc. and 49th  
Broadway, LLC, doing business as Dallas  
BBQ,

Defendants-Appellants.

-----

[and Third-Party Actions]

---

---

Appeals having been taken to this Court by defendants/fourth-party plaintiffs/fourth-party defendants 2146 Nostrand Avenue Associates, LLC, ACHS Management Corp., 49th Broadway, LLC d/b/a Dallas BBQ and Nostrand Enterprises, LLC d/b/a Dallas BBQ and by defendant/third party plaintiff/fifth party plaintiff Shawmut Woodworking & Supply Inc. d/b/a Shawmut Design & Construction from an order of the Supreme Court, New York County, entered on or about February 02, 2021, and the appeals of 2146 Nostrand Avenue Associates, LLC, ACHS Management Corp., and Shawmut Woodworking & Supply, Inc., having been perfected,

Now, upon reading and filing the correspondence from counsel representing defendants/fourth-party plaintiffs/fourth-party defendants-appellants 2146 Nostrand Avenue Associates, LLC, ACHS Management Corp., 49th Broadway, LLC d/b/a Dallas BBQ and Nostrand Enterprises, LLC d/b/a Dallas BBQ dated January 27, 2022, and due deliberation having been had thereon,

It is ordered that the unperfected appeal taken by defendant-appellant 49<sup>th</sup> Broadway LLC is deemed withdrawn in accordance with the aforesaid correspondence. The remaining appeals shall remain extant.

ENTERED: March 01, 2022

A handwritten signature in black ink, appearing to read "Susanna Molina Rojas". The signature is fluid and cursive, with the first name "Susanna" being the most prominent part.

Susanna Molina Rojas  
Clerk of the Court