

Coque v Wildflower Estates Developer, Inc.
2007 NY Slip Op 34392(U)
January 5, 2007
Supreme Court, Queens County
Docket Number: 18365/01
Judge: Orin R. Kitzes
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Short Form Order

NEW YORK SUPREME COURT - QUEENS COUNTY

PRESENT: HON. ORIN R. KITZES
Justice

PART 17

-----X

LUIS COQUE,
Plaintiff,

-against-

Index No. 18365/01
Motion Date: 1/3/07
Motion Cal. No. 28

WILDFLOWER ESTATES DEVELOPER, INC. and
CLASS IC CONSTRUCTION,
Defendant.

-----X

WILDFLOWER ESTATES DEVELOPERS, INC.,
Third-Party Plaintiff,

-against-

Third-Party
Index No. 350541/01

CITY WIDE BUILDING CORP.,
Third-Party Defendant.

-----X

-----X

CLASSIC CONSTRUCTION,
Second Third-Party Plaintiff,

-against-

Second Third-Party
Index No. 350750/01

BROTHERS HOME RENOVATION, INC.,
Third-Party Defendant.

-----X

-----X

CLASSIC CONSTRUCTION and ROBERT
NOCELLA,
Third Third-Party Plaintiffs,

-against-

Third Third-Party
Index No. 350485/04

CITY WIDE BUILDING CORP.,
Third Third-Party Defendant.

-----X

The following papers numbered 1 to 14 read on this motion by defendant/third-party

CLASSIC CONSTRUCTION for an order setting aside the jury verdict as to all liability of makings and granting a new trial.

	PAPERS <u>NUMBERED</u>
Notice of Motion-Affirmation-Exhibits.....	1 - 4
Affirmation in Partial Opposition-Exhibits.....	5 - 7
Affirmation in Opposition.....	8 - 9
Affidavit in Opposition-Exhibits.....	10 - 12
Reply Affirmation.....	13 - 14

This motion is denied. This case was tried applying the law of the case as it existed at the time of trial. Any subsequent ruling by the Appellate Division modifying a decision preceding the trial has no effect upon the trial of the case. Furthermore, the verdict by the jury was proper.

Dated: January 5, 2007

ORIN R. KITZES, J.S.C.