

68 A.D.3d 681
Supreme Court, Appellate Division, First Department, New York.

Leticia BELTREZ, as Administratrix of the Estate of Mariano S. Beltre, Plaintiff–Appellant,
v.
Paul CHAMBLISS, M.D., et al., Defendants–Respondents,
Polari Medical Group, et al., Defendants.

Dec. 29, 2009.

Attorneys and Law Firms

Koehler & Isaacs, LLP, New York (Omar D. Lopera of counsel), for appellant.

Schiavetti, Corgan, DiEdwards & Nicholson, LLP, New York (Samantha E. Quinn of counsel), for respondents.

Opinion

*681 Order, Supreme Court, New York County (Joan B. Carey, J.), entered November 18, 2008, which granted the motion by defendants Paul Chambliss, M.D., Florentino Reyes, PAC, and Howard A. Grossman, M.D. to dismiss the complaint as against them for failure to timely serve the complaint, and denied plaintiff’s cross motion to compel defendants’ acceptance of the untimely served complaint, unanimously affirmed, without costs.

Plaintiff failed to demonstrate that she had a reasonable excuse for her delay in serving the complaint after defendants served their demand for it and a meritorious cause of action *682 (CPLR 3012[b], [d]; *see e.g. Jee Foo Realty Corp. v. Lemle*, 259 A.D.2d 401, 687 N.Y.S.2d 103 [1999]).

Contrary to plaintiff’s contention, service of the demand extended defendants’ time to appear in the action until 20 days after plaintiff served her complaint (CPLR 3012[b]).

ANDRIAS, J.P., FRIEDMAN, ACOSTA, DeGRASSE, ROMÁN, JJ., concur.

Parallel Citations

68 A.D.3d 681, 890 N.Y.S.2d 825 (Mem), 2009 N.Y. Slip Op. 09726