

68 A.D.3d 558
Supreme Court, Appellate Division, First Department, New York.

Federico FONTANEZ, Plaintiff–Respondent,
v.
Marc Samuel LAZARUS, et al., Defendants,
David Borenstein, M.D., Defendant–Appellant.

Dec. 17, 2009.

Attorneys and Law Firms

Schiavetti, Corgan, DiEdwards and Nicholson, LLP, New York (Angela M. Ribaldo of counsel), for appellant.

The Arce Law Office, PLLC, Bronx (Michael Arce of counsel), for respondent.

Opinion

*558 Order, Supreme Court, Bronx County (Norma Ruiz, J.), entered October 14, 2008, which, in an action for personal injuries, upon reargument, denied, as untimely, defendant-appellant’s motion for summary judgment dismissing the complaint as against him, unanimously affirmed, without costs.

In a stipulation so-ordered by the court, any motions by defendants for summary judgment were to be “served and filed” by November 21, 2007, and that while appellant served its motion on November 21, it did not file it until November 30. Accordingly, appellant was required, but failed, to show good cause for the late filing *559 (*Corchado v. City of New York*, 64 A.D.3d 429, 883 N.Y.S.2d 33 [2009]).

GONZALEZ, P.J., MAZZARELLI, NARDELLI, ACOSTA, ROMÁN, JJ., concur.

Parallel Citations

68 A.D.3d 558, 889 N.Y.S.2d 844 (Mem), 2009 N.Y. Slip Op. 09373