

LEXSEE 671 N.Y.S. 2D 291

**Murray Hill Investments, Inc., Plaintiff, v. Adas Yereim, Inc., et al., Defendants.
(And a Third-Party Action.) (Action No. 1.) Murray Hill Investments, Inc., Appel-
lant-Respondent, v. Citibank, Defendant and Third-Party Plaintiff-Respondent-
Appellant. Chemical Bank et al., Third-Party Defendants-Respondents. (Action No.
3.) (And Other Actions.)**

96-10226

**SUPREME COURT OF NEW YORK, APPELLATE DIVISION, SECOND DE-
PARTMENT**

249 A.D.2d 284; 671 N.Y.S.2d 291; 1998 N.Y. App. Div. LEXIS 3774

**February 27, 1998, Argued
April 6, 1998, Decided**

PRIOR HISTORY: [**1] Appeal by Murray Hill Investments, Inc., from stated portions of an order of the Supreme Court, Kings County (G. Aronin, J.), entered September 13, 1996, and cross appeal by Citibank from stated portions of the same order.

COUNSEL: Marshall C. Berger, New York, N.Y., and Feltman Karesh Major & Farbman, LLP, New York, N.Y. (Donald F. Schneider of counsel), for appellant-respondent in Action No. 3 (one brief filed).

Sills Cummis Zuckerman Radin Tischman Epstein & Gross, P.A., New York, N.Y. (Joseph L. Buckley, Mark E. Duckstein, and Susanne K. Rosenzweig of counsel), for defendant third-party plaintiff-respondent-appellant in Action No. 3. Andrew N. Keen, New York, N.Y., for third-party defendants-respondents in Action No. 3.

JUDGES: Copertino, J. P., Santucci, Krausman and Florio, JJ., concur.

OPINION

[*284] Ordered that the appeal by Citibank is dismissed, as it was [*285] not aggrieved by the portions of the order appealed from; and it is further,

Ordered that the order is affirmed insofar as appealed from by Murray Hill Investments, Inc., for reasons stated by Justice Aronin at the Supreme Court in a memorandum decision dated September 21, 1995; and it is further,

Ordered [**2] that one bill of costs is awarded to the defendant third-party plaintiff and the third-party defendants in Action No. 3.

Copertino, J. P., Santucci, Krausman and Florio, JJ., concur.