

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

859

CA 18-02084

PRESENT: WHALEN, P.J., SMITH, DEJOSEPH, CURRAN, AND WINSLOW, JJ.

CENTERLINE/FLEET HOUSING PARTNERSHIP, L.P. -
SERIES B, A DELAWARE LIMITED PARTNERSHIP,
AND RCHP SLP II, L.P., A DELAWARE LIMITED
PARTNERSHIP, INDIVIDUALLY AND DERIVATIVELY
ON BEHALF OF HOPKINS COURT ASSOCIATES, L.P.,
A NEW YORK LIMITED PARTNERSHIP,
PLAINTIFFS-RESPONDENTS,

V

MEMORANDUM AND ORDER

HOPKINS COURT APARTMENTS, LLC, A DELAWARE
LIMITED LIABILITY COMPANY, WHITNEY CAPITAL
COMPANY, LLC, A DELAWARE LIMITED LIABILITY
COMPANY, WHITNEY HOPKINS ASSOCIATES, A NEW YORK
GENERAL PARTNERSHIP, CRS PROPERTIES, INC., A
NEW YORK CORPORATION, DEFENDANTS-APPELLANTS,
ET AL., DEFENDANT.
(APPEAL NO. 2.)

WINTHROP & WEINSTINE, P.A., MINNEAPOLIS, MINNESOTA (DAVID A.
DAVENPORT, OF THE MINNESOTA BAR, ADMITTED PRO HAC VICE, OF COUNSEL),
AND WOODS OVIATT GILMAN LLP, BUFFALO, FOR DEFENDANTS-APPELLANTS.

BOIES SCHILLER FLEXNER LLP, LOS ANGELES, CALIFORNIA (ERIC S. PETTIT,
OF THE CALIFORNIA BAR, ADMITTED PRO HAC VICE, OF COUNSEL), AND BARCLAY
DAMON LLP, BUFFALO, FOR PLAINTIFFS-RESPONDENTS.

Appeal from an order of the Supreme Court, Erie County (Deborah
A. Chimes, J.), entered November 1, 2018. The order, insofar as
appealed from, denied the motion of defendants-appellants for leave to
renew their motion for summary judgment.

It is hereby ORDERED that the order so appealed from is
unanimously affirmed without costs.

Same memorandum as in *Centerline/Fleet Hous. Partnership, L.P. -
Series B v Hopkins Ct. Apts., LLC* ([appeal No. 1] - AD3d - [Oct 4,
2019] [4th Dept 2019]).

Entered: October 4, 2019

Mark W. Bennett
Clerk of the Court