

Civil Court of the City of New York

County of Kings

Part

Index Number 74532/2010

Motion Cal. # 8 Motion Seq. # \_\_\_\_\_

**DECISION/ORDER**

Recitation, as required by CPLR §2219 (a), of the papers considered in the review of this Motion:

Papers

Numbered

Notice of Motion and Affidavits Annexed..... 1

Order to Show Cause and Affidavits Annexed..... \_\_\_\_\_

Answering Affidavits ..... 2

Replying Affidavits..... 3

Exhibits ..... \_\_\_\_\_

Other..... \_\_\_\_\_

**J ELECTRIC INC.,**

**Claimant(s)/Plaintiff(s)/Petitioner(s)**

*against*

LEANZA TOMMY, individually and  
713 METRO, LLC TEDDY TIE CHENGLI,  
individually and IRON CITY CONTRACTING INC

**Defendant(s)/Respondent(s)**

Upon the foregoing cited papers, the Decision/Order on this Motion to dismiss the *motion to* dismiss *in camera*

Complaint as against defendants Tommy Leanza and 713 Metro LLC is as follows:

The motion to dismiss ~~the~~ all causes of ~~action~~ action as against Tommy Leanza and 713 Metro LLC is **GRANTED** without prejudice

to plaintiff's rights to commence a new action against these defendants if at trial plaintiff establishes that there was a direct contract between plaintiff and either Tommy Leanza or 713 Metro LLC for the construction work performed by plaintiff.

In addition, the motion to cancel the Notice of Pendency filed by plaintiff on August 6, 2010 against 713 Metropolitan Avenue, Brooklyn, NY, Block 2759, Lot 36, is **GRANTED**, and the Clerk of the Court is directed to cancel/vacate the Notice of Pendency forthwith. Defendants Tommy Leanza and 713 Metro LLC ~~shall~~ shall appear as witnesses at this trial if called by plaintiff without the need by plaintiff to subpoena these witnesses.

March 1, 2012

Date

*Katherine A. Levine*  
Judge, Civil Court

**HON. KATHERINE LEVINE**

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