



Pegasus Aviation I

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Mazzarelli, J.P., Saxe, Acosta, DeGrasse, Manzanet-Daniels, JJ.

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This is an action for replevin and damages for breach of airplane leases. Accepting the alleged facts as true and according plaintiff the benefit of every possible favorable inference (*Leon v Martinez*, 84 NY2d 83, 87-88 [1994]), the complaint sufficiently alleges that MatlinPatterson exercised complete domination over Varig Logistica -- and was thus its alter ego -- with respect to the transaction at issue, and that such domination facilitated the fraud or wrongdoing that resulted in plaintiff's injury (*Matter of Morris v New York State Dept. of Taxation & Fin.*, 82 NY2d 135, 141 [1993]).

THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

