



Kok Chai Lee v Robertson

2024 NY Slip Op 05966 (2024) | Cited 0 times | Appellate Division of the Supreme Court of New York | November 27, 2024

Bruce S. Reznick, P.C. (Thomas Torto, New York, NY [Jason Levine], of counsel), for appellants.

Coffey Modica LLP, New York, NY (Paul Golden of counsel), for respondents.

DECISION & ORDER

In an action, inter alia, for specific performance of a contract for the sale of real property, the defendants appeal from an order of the Supreme Court, Kings County (Wayne Saitta, J.), dated September 7, 2022. The order granted that branch of the plaintiffs' motion which was to set a date for the closing of title on the subject real property and directed that the closing shall take place on December 7, 2022. By decision and order on motion dated October 11, 2023, this Court granted the defendants' motion to stay enforcement of the order pending the hearing and determination of the appeal.

ORDERED that the order is reversed, on the law, with costs, and that branch of the plaintiffs' motion which was to set a date for the closing of title on the subject real property is denied.

Certain facts relevant to this case are set forth in our decision and order on a related appeal (see *Kok Chai Lee v Robertson*, _____ AD3d _____ [Appellate Division Docket No. 2020-05972; decided herewith]).

The plaintiffs moved, inter alia, to set a date for the closing of title on the subject real property in this action, among other things, for specific performance. In an order dated September 7, 2022, the Supreme Court granted that branch of the motion and directed that the closing shall take place on December 7, 2022. The defendants appeal.

In light of our determination on the related appeal that the Supreme Court should have denied that branch of the plaintiffs' cross-motion which was for summary judgment on the cause of action for specific performance (see *Kok Chai Lee v Robertson*, _____ AD3d _____), we reverse the order and deny that branch of the plaintiffs' motion which was to set a date for the closing of title on the subject real property.

BRATHWAITE NELSON, J.P., CHRISTOPHER, WOOTEN and DOWLING, JJ., concur.



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Darrell M. Joseph

Clerk of the Court

