

plaintiff should be denied summary judgment because defendants have counterclaims for an amount equal to or greater than the amount demanded in the complaint (see *Stack Elec. v DiNardi Constr. Corp.*, 161 AD2d 416, 417-418 [1990]; see also *Pronti v Grigoriou*, 49 AD3d 1135 [2008], quoting *Illinois McGraw Elec. Co. v John J. Walters, Inc.*, 7 NY2d 874, 876-877 [1959]).

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

ENTERED: JANUARY 7, 2010


DEPUTY CLERK