

Appellate Division, First Judicial Department

Gische, J.P., Mazzairelli, Shulman, Pitt, Higgitt, JJ.

14544

DAVID KIM,
Plaintiff-Respondent,

Index No. 657153/20
Case No. 2021-02487

-against-

HFZ 11 BEACH STREET LLC, et al.,
Defendants,

UNIT 3B 11 BEACH LLC,
Defendant-Appellant.

Rosen Law LLC, Great Neck (Gary Rosen of counsel), for appellant.

Ganfer Shore Leeds & Zauderer LLP, New York (Steven J. Shore of counsel), for respondent.

Order, Supreme Court, New York County (Nancy M. Bannon, J.), entered June 17, 2021, which, inter alia, denied in part defendant's motion to cancel the notice of pendency insofar as it directed that the notice of pendency shall be cancelled if defendant posted a bond in the amount of \$4,375,000 within 20 days, unless thereafter plaintiff also posted a bond in the amount of \$150,095 within 40 days, unanimously affirmed, without costs.

The court properly utilized the "double bonding" approach of CPLR 6515(2) to cancel the notice of pendency upon posting of a bond by defendant unless plaintiff posts an undertaking that will indemnify defendant for any damages flowing from the notice of pendency (*see Hakmon v 244 E. 48th St. Dev., LLC*, 188 AD3d 460 [1st Dept 2020]);

Ansonia Realty Co. v Ansonia Assoc., 117 AD2d 527 [1st Dept 1986]). There is no basis to disturb the amounts of the bonds imposed.

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

ENTERED: November 4, 2021

A handwritten signature in black ink, appearing to read "Susanna Molina Rojas". The signature is fluid and cursive, with the first name being the most prominent.

Susanna Molina Rojas
Clerk of the Court