

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

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Submitted - October 29, 2008

STEVEN W. FISHER, J.P.
ROBERT A. LIFSON
JOSEPH COVELLO
RUTH C. BALKIN
ARIEL E. BELEN, JJ.

2008-03382

DECISION & ORDER

Vladimir Keselman, appellant, v City of New York,
et al., respondents, et al., defendant.

(Index No. 37481/06)

Vladimir Keselman, Brooklyn, N.Y., appellant pro se.

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Stephen J. McGrath
and Victoria Scalzo of counsel), for respondents.

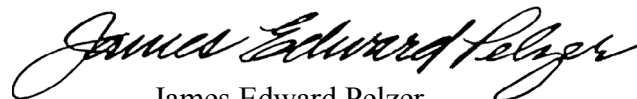
In an action, inter alia, to recover damages for personal injuries, the plaintiff appeals from an order of the Supreme Court, Kings County (Miller, J.), dated March 12, 2008, which denied his motion pursuant to CPLR 3215 for leave to enter judgment against the defendants City of New York and Anibal Martinez upon their failure to timely answer the complaint.

ORDERED that the order is affirmed, with costs.

The Supreme Court did not improvidently exercise its discretion in denying the plaintiff's motion. The defendants City of New York and Anibal Martinez provided a reasonable excuse for their short delay in answering, which was neither willful nor prejudicial to the plaintiff and demonstrated the existence of a meritorious defense (*see* CPLR 5015[a][1]; *Harris v City of New York*, 30 AD3d 461, 463-464).

FISHER, J.P., LIFSON, COVELLO, BALKIN and BELEN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

November 25, 2008

KESELMAN v CITY OF NEW YORK