
This memorandum is uncorrected and subject to revision before
publication in the New York Reports.

No. 105
Amalgamated Bank,
Respondent,
v.
Helmsley-Spear, Inc.,
Defendant,
Schneider & Schneider, Inc.,
et al.,
Appellants.

Christopher J. Sullivan, for appellants.
Tyler J. Kandel, for respondent.

MEMORANDUM:

The order of the Appellate Division, insofar as
appealed from, should be affirmed, with costs.

The intervenors lacked standing to bring a motion to
vacate the default judgment. "To seek relief from a judgment or
order, all that is necessary is that some legitimate interest of

the moving party will be served and that judicial assistance will avoid injustice" (Oppenheimer v Westcott, 47 NY2d 595, 602 [1979] [internal quotation marks and citation omitted]). Here, however, the intervenors did not meet the second prong of that test because they failed to identify any facts that give rise to a claim that injustice of any kind would be avoided by vacating the judgment (cf. Bond v Giebel, 101 AD3d 1340, 1342-1343 [3d Dept 2012], appeal dismissed, lv dismissed 21 NY3d 884 [2013]; Lane v Lane, 175 AD2d 103, 105-106 [2d Dept 1991]).

* * * * *

Order, insofar as appealed from, affirmed, with costs, in a memorandum. Chief Judge Lippman and Judges Read, Pigott, Rivera, Abdus-Salaam, Stein and Fahey concur.

Decided June 25, 2015