

State of New York Court of Appeals

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

No. 48 SSM 6

Dawn Stefaniak,
Plaintiff,

v.

NFN Zulkharnain,
Appellant.

Roberta L. Reedy, as
Administrator of the Estate of
Kevin M. Reedy, Deceased,
Respondent.

Submitted by Michael A. Rosenhouse, for appellant.
Respondent precluded.

On review of submissions pursuant to section 500.11 of the Rules, February 2020 order of the Appellate Division insofar as appealed from and July 2014 order of the same court insofar as brought up for review, reversed, with costs, and motion for an award of attorney's fees against defendant denied. Under the circumstances here, the attorney's motion to be appointed, nunc pro tunc, pursuant to 22 NYCRR 36.2 (b) (2), should have been denied (*see generally Gletzer v Harris*, 12 NY3d 468, 476 [2009]). Chief Judge DiFiore and Judges Rivera, Stein, Garcia and Wilson concur. Judge Fahey took no part.

Decided April 29, 2021