



Vagianderis' death and defendant Joanna Loïselle's election to purchase Vagianderis' interest on behalf of the corporation and continue the business. Although their notice of motion seeks other relief, the defendants do not submit any arguments or evidence to support their additional requests for relief. In opposition, petitioner Estate of Vagianderis contends that the motion is meritless and should be denied.

That branch of the defendants' motion which seeks dismissal of the claims for judicial dissolution of the corporation is granted based upon an order of this court, dated October 14, 2008, in the action entitled Joanna (a/k/a Nana) Loïselle, etc., et al. v Ioannis (a/k/a John) Vagianderis, etc., bearing Queens County index No. 2778/08, which awarded Joanna Loïselle summary judgment on her cause of action for a mandatory buy-out of the decedent's interest in the corporation pursuant to the terms of the corporation's shareholder's agreement. Under the circumstances presented in that action, it was determined that the corporation's right to purchase the decedent's interest in the corporation and continue the corporation's business supercedes the claim for judicial dissolution. Thus, the claims for a judicial dissolution of the corporation were rendered moot by that determination and are hereby dismissed.

Since the defendants have not demonstrated herein that dismissal of the estate's remaining claims is warranted, the remaining branches of the motion are denied.

Dated: October 16, 2008

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J.S.C.