

SUPREME COURT OF THE STATE OF NEW YORK — NEW YORK COUNTY

PRESENT: EDWARD H. LEHNER  
*Justice*

PART 19

JONATHAN POOLE,

Plaintiff,,

- against -

WEST 111<sup>TH</sup> STREET REHAB ASSOCIATES, MARILYN  
C. REZNICK, PAMELA L. REZNICK, NANCY  
ROBINSON, SUSAN SELTZER, LAYNE C. REZNICK,  
JAMES ROBINSON, LAWRENCE PESCE, RICHARD  
PESCE, CHRISTOPHER PESCE and CHRISTINE  
LATOUR,

INDEX NO. 101096/09  
MOTION SEQ. NO. 002  
MOTION DATE 4/17/09  
MOTION CAL. NO. \_\_\_\_\_

Defendants.

The following papers, numbered 1 to \_\_\_\_\_ were read on this motion to/for \_\_\_\_\_

Notice of Motion/ Order to Show Cause — Affidavits — Exhibits ... \_\_\_\_\_

Answering Affidavits — Exhibits \_\_\_\_\_

Replying Affidavits \_\_\_\_\_

**FILED**  
JUN 05 2009  
COUNTY CLERK'S OFFICE  
NEW YORK  
PAPERS NUMBERED

Cross-Motion:  Yes  No

Upon the foregoing papers, it is ordered that the motion by plaintiff to l) set aside the vote taken by defendant West 111<sup>th</sup> Street Rehab Associates, L.P. (The "Partnership") at the meeting held on February 17, 2009 (the "Meeting"); ll) Invalidate the appointment of West 111 Rehab Corp. as a successor general partner of the Partnership; ili) appoint a receiver for the Partnership; and lv) direct the Partnership to buy out the interests of the deceased partners of the Partnership, is denied in all respects.

It is noted that plaintiff was a former general partner of the Partnership until he relinquished that position as a result of prior litigation. He currently owns 10% of the limited partnership interests. It is his acknowledged goal in this litigation to have the Partnership dissolved and liquidated through the sale of the four buildings owned by it (tr., p. 19). Considering the current economic situation, such liquidation may not be in the best interest of the remaining partners and is thus opposed. The business of the Partnership is currently operated through a managing agent, to which plaintiff has stated no objection.

Check one:  FINAL DISPOSITION  NON-FINAL DISPOSITION  
Check if appropriate:  DO NOT POST

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE FOR THE FOLLOWING REASON(S):