

At an I.A.S. Trial Term, Part <sup>COM-4</sup> of the Supreme Court of the State of New York, held in and for the County of Kings, at the Courthouse, located at Civic Center, Borough of Brooklyn, City and State of New York, on the 30 day of June 2017.

P R E S E N T :  
Hon. KNIFEZ  
Justice

Raquel Wolf  
Plaintiff(s)

Cal. No.  
Index No. 503553/17

- against -

Shapiro  
Defendant(s)

| The following papers numbered 1 to   | read on this motion | Papers Numbered |
|--|---------------------|-----------------|
| Notice of Motion - Order to Show Cause and Affidavits (Affirmations) Annexed |                     | 1               |
| Answering Affidavit (Affirmation)  | aff. in opp.        | 2               |
| Reply Affidavit (Affirmation)  | memmo in opp.       | 3               |
| _____ Affidavit (Affirmation)  | reply memmo.        | 4               |
| Pleadings - Exhibits   |                     |                 |
| Stipulations - Minutes   |                     |                 |
| Filed Papers   |                     |                 |

Even if, as alleged, deft. previously represented the plaintiff and defendant subsequently represented a party who purchased plaintiff's interest in the premises and then represented that purchasing party who thereafter sold the property at a considerable profit, the conduct alleged does not, without more, constitute fraud or breach of fiduciary duty on defendant's part. Plaintiff was represented by her own counsel during the transaction in question, and this court can ascertain no obligation on defendant's part to disclose his then current client's negotiation with the third party purchaser. Accordingly, motion granted, complaint dismissed.

For Clerks use only

MG   
MD \_\_\_\_\_  
Motion Seq. # 1

ENTER  
[Signature]  
I.S.C. HON. LAWRENCE KNIPEL

<sup>1</sup> Unlike Blue Chip v. Allied, 299 AD2d 278, plaintiff does not claim that defendant made any false, misleading or other misrepresentation.