

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

No. 206 SSM 32
Arts4All, Ltd., et al.,
Respondents,
v.
Judith L. Hancock,
Appellant,

Judith L. Hancock,
Counterclaim Plaintiff-
Appellant,
v.
Daniel Y.C. Ng, et al.,
Additional Defendants on
Counterclaims,
Peter Osgood,
Respondent.

Submitted by David G. Trachtenberg, for appellant.
Submitted by Zachary R. Greenhill, for respondents.

* * * * *

On review of submissions pursuant to section 500.11 of the Rules,
order affirmed, with costs, and certified question not answered
as unnecessary. The courts below did not abuse their discretion
in dismissing defendant's counterclaims pursuant to CPLR 3126(3)
(see Arts4All, Ltd. v Hancock, 12 NY3d 846 [2009]). Defendant's
remaining argument is without merit. Judges Ciparick, Graffeo,
Read, Smith, Pigott and Jones concur. Chief Judge Lippman took
no part.

Decided October 20, 2009