

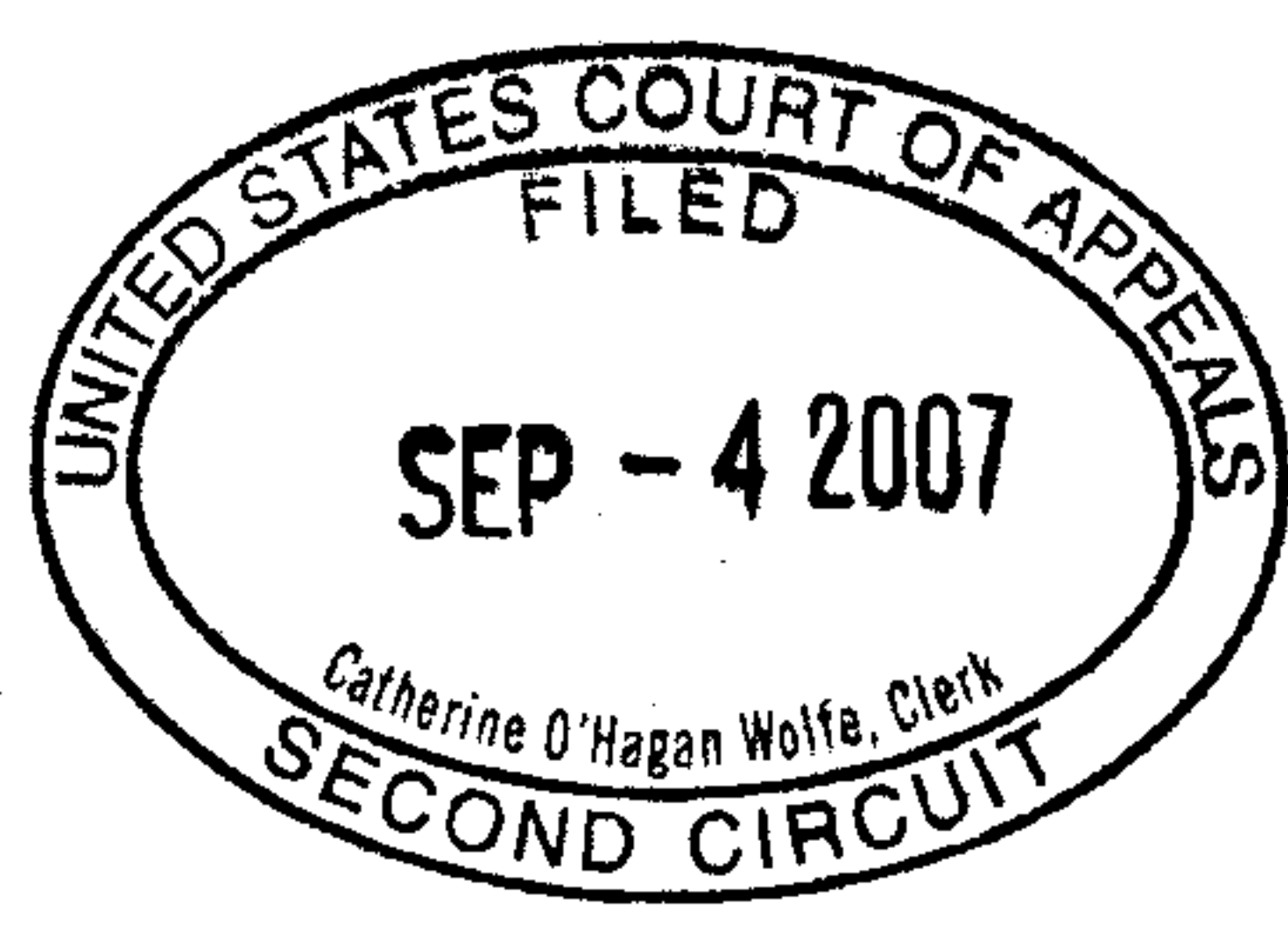
SDNY/NYNY  
04-CV-1178  
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**United States Court of Appeals**  
FOR THE  
SECOND CIRCUIT  
**JUDGMENT**

**MANDATE**

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 4th day of September, two thousand and seven.

Before: Hon. Dennis Jacobs,  
*Chief Judge,*  
Hon. Chester J. Straub,  
Hon. Barrington D. Parker,  
*Circuit Judges.*



Docket No. 06-3128-cv

TRANSHORN, LTD., 1775 HOUSING ASSOCIATES, ROCHDALE VILLAGE, INC., BIRMINGHAM BUILDING TRADES TOWERS, INC., TRIANGLE HOUSING ASSOCIATES, L.P., BAY CREST CONDOMINIUM ASSOCIATION, OLEN COMMERCIAL REALTY CORP., RIVERBAY CORP., 181 MAPLE AVENUE ASSOCIATES, D.F. CHASE, INC., LENOX ROAD ASSOCIATES AND TOWERS OF CORAL SPRINGS LTD.,

*Plaintiffs-Appellants,*

JOSEPH M. BENNARDI, DOING BUSINESS AS BUILDING SUPERS OF CAMDEN, INC., DOING BUSINESS AS NEDMAC MANAGEMENT, INC.,

*Consolidated-Plaintiff-Appellant,*

v.

UNITED TECHNOLOGIES CORPORATION, OTIS ELEVATOR COMPANY, KONE CORPORATION, KONE, INC., SCHINDLER HOLDING, LTD., SCHINDLER ELEVATOR CORPORATION, THYSSENKRUPP AG, THYSSENKRUPP ELEVATOR CAPITAL CORP., AND THYSSENKRUPP ELEVATOR CORP.,

*Defendants-Appellees.*

Appeal from the United States District Court for the Southern District of New York.

This cause came on to be heard on the transcript of record from the United States District Court for the Southern District of New York and was argued by counsel.

On consideration whereof, it is hereby ORDERED, ADJUDGED and DECREED that the judgment of said District Court be and hereby is AFFIRMED in accordance with the opinion of this Court.

FOR THE COURT:  
CATHERINE O'HAGAN WOLFE, Clerk  
by  
Howard B. Zakai, Acting Motions Staff Attorney

A TRUE COPY  
Catherine O'Hagan Wolfe, Clerk  
by  
DEPUTY CLERK

Issued as Mandate:  
SEP 25 2007