

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

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PETER TRIANTAFELLOU, individually and as a
Member of 23-15 ASTORIA BOULEVARD
REALTY LLC, a New York Limited Liability
Company and as a Member of AB BUILDING
MANAGEMENT, LLC, a New York Limited
Liability Company,

Index No.: 701414/2018

NOTICE OF APPEAL

Plaintiffs,

-against-

Justice Assigned:
Hon. Marguerite A. Grays

GEORGE MILTIADOU, KONSTANTINOS
TSIDAVIS, ELISAVET TZOUMAKA,
ATHANASIOS TSIDAVIS, ROSEMARIE
TSIDAVIS, MITSU REALTY LLC, and ELIT
GREEN BUILDERS CORP.,

Defendants.

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PLEASE TAKE NOTICE that defendants, George Miltiadou, Konstantinos Tsidavis, Elisavet Tzoumaka, Athanasios Tsidavis, Rosemarie Tsidavis, Mitsi Realty LLC, and Elit Green Builders Corp. (collectively, "Defendants"), hereby appeal to the Appellate Division of the Supreme Court, Second Judicial Department, from the Short Form Order of the Supreme Court, Queens County (Hon. Marguerite A. Grays) dated September 10, 2018 and entered September 18, 2018 (the "Order"), and appeal is taken from each and every part of said Order which is adverse to the Defendants.

A copy of the Order appealed from is attached hereto as Exhibit A.

Dated: Garden City, New York
September 21, 2018

Yours, etc.,

ROSENBERG CALICA & BIRNEY LLP

By: _____


Robert M. Calica

Attorneys for Defendants

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Garden City, New York 11530

(516) 747-7400

TO: WISELL, MCGEE & ROMANO, LLP

Attorneys for Plaintiffs

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Kew Gardens, New York 11415

Supreme Court of the State of New York

Appellate Division: Second Judicial Department

Informational Statement (Pursuant to 22 NYCRR 1250.3 [a]) - Civil

Case Title: Set forth the title of the case as it appears on the summons, notice of petition or order to show cause by which the matter was or is to be commenced, or as amended.		For Court of Original Instance	
PETER TRIANTAFELLOU, individually and as a Member of 23-15 ASTORIA BOULEVARD REALTY LLC, a New York Limited Liability Company and as a Member of AB BUILDING MANAGEMENT, LLC, a New York Limited Liability Company,		Date Notice of Appeal Filed	
Plaintiffs,			
- against -		For Appellate Division	
GEORGE MILTIADOU, KONSTANTINOS TSIDAVIS, ELISAVET TZOUMAKA, ATHANASIOS TSIDAVIS, ROSEMARIE TSIDAVIS, MITSU REALTY LLC, and ELIT GREEN BUILDERS CORP.,			
Defendants,			
Case Type	<input checked="" type="checkbox"/> Civil Action <input type="checkbox"/> CPLR article 75 Arbitration <input type="checkbox"/> CPLR article 78 Proceeding <input type="checkbox"/> Special Proceeding Other <input type="checkbox"/> Habeas Corpus Proceeding	Filing Type	
		<input checked="" type="checkbox"/> Appeal <input type="checkbox"/> Original Proceedings <input type="checkbox"/> CPLR Article 78 <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Labor Law 220 or 220-b <input type="checkbox"/> Public Officers Law § 36 <input type="checkbox"/> Real Property Tax Law § 1278 <input type="checkbox"/> Transferred Proceeding <input type="checkbox"/> CPLR Article 78 <input type="checkbox"/> Executive Law § 298 <input type="checkbox"/> CPLR 5704 Review	
Nature of Suit: Check up to three of the following categories which best reflect the nature of the case.			
<input type="checkbox"/> Administrative Review	<input type="checkbox"/> Business Relationships	<input checked="" type="checkbox"/> Commercial	<input checked="" type="checkbox"/> Contracts
<input type="checkbox"/> Declaratory Judgment	<input type="checkbox"/> Domestic Relations	<input type="checkbox"/> Election Law	<input type="checkbox"/> Estate Matters
<input type="checkbox"/> Family Court	<input type="checkbox"/> Mortgage Foreclosure	<input type="checkbox"/> Miscellaneous	<input type="checkbox"/> Prisoner Discipline & Parole
<input type="checkbox"/> Real Property (other than foreclosure)	<input type="checkbox"/> Statutory	<input type="checkbox"/> Taxation	<input type="checkbox"/> Torts

Informational Statement - Civil

Appeal

Paper Appealed From (Check one only):		If an appeal has been taken from more than one order or judgment by the filing of this notice of appeal, please indicate the below information for each such order or judgment appealed from on a separate sheet of paper.	
<input type="checkbox"/> Amended Decree	<input type="checkbox"/> Determination	<input checked="" type="checkbox"/> Order	<input type="checkbox"/> Resettled Order
<input type="checkbox"/> Amended Judgement	<input type="checkbox"/> Finding	<input type="checkbox"/> Order & Judgment	<input type="checkbox"/> Ruling
<input type="checkbox"/> Amended Order	<input type="checkbox"/> Interlocutory Decree	<input type="checkbox"/> Partial Decree	<input type="checkbox"/> Other (specify):
<input type="checkbox"/> Decision	<input type="checkbox"/> Interlocutory Judgment	<input type="checkbox"/> Resettled Decree	
<input type="checkbox"/> Decree	<input type="checkbox"/> Judgment	<input type="checkbox"/> Resettled Judgment	
Court: Supreme Court <input checked="" type="checkbox"/>	County: Queens <input checked="" type="checkbox"/>		
Dated: 09/21/2018	Entered: 9/21/2018		
Judge (name in full): Hon. Marguerite A. Grays	Index No.: 701414/2018		
Stage: <input checked="" type="checkbox"/> Interlocutory <input type="checkbox"/> Final <input type="checkbox"/> Post-Final	Trial: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If Yes: <input type="checkbox"/> Jury <input type="checkbox"/> Non-Jury	

Prior Unperfected Appeal and Related Case Information

Are any appeals arising in the same action or proceeding currently pending in the court? Yes No
If Yes, please set forth the Appellate Division Case Number assigned to each such appeal.

Where appropriate, indicate whether there is any related action or proceeding now in any court of this or any other jurisdiction, and if so, the status of the case:

Original Proceeding

Commenced by: <input type="checkbox"/> Order to Show Cause <input type="checkbox"/> Notice of Petition <input type="checkbox"/> Writ of Habeas Corpus	Date Filed:
Statute authorizing commencement of proceeding in the Appellate Division:	

Proceeding Transferred Pursuant to CPLR 7804(g)

Court: Choose Court	County: Choose County
Judge (name in full):	Order of Transfer Date:
CPLR 5704 Review of Ex Parte Order:	
Court: Choose Court	County: Choose County
Judge (name in full):	Dated:

Description of Appeal, Proceeding or Application and Statement of Issues

Description: If an appeal, briefly describe the paper appealed from. If the appeal is from an order, specify the relief requested and whether the motion was granted or denied. If an original proceeding commenced in this court or transferred pursuant to CPLR 7804(g), briefly describe the object of proceeding. If an application under CPLR 5704, briefly describe the nature of the ex parte order to be reviewed.

The Court (Grays, J.) granted defendants' summary judgment motion as to the first cause of action for judicial dissolution of 23-15 Astoria Boulevard Realty LLC and AB Building Management LLC and the fourth cause of action for unjust enrichment, but denied defendants' motion as to the second cause of action for breach of fiduciary duty/self-dealing, the third cause of action for conversion, and the fifth cause of action for a declaratory judgment. The Court also denied defendants' request for a counter-declaration that defendants own and are entitled to own 50% ownership interest in Astoria LLC, and the branch of defendants' motion seeking sanctions against plaintiffs.

Informational Statement - Civil

Issues: Specify the issues proposed to be raised on the appeal, proceeding, or application for CPLR 5704 review, the grounds for reversal, or modification to be advanced and the specific relief sought on appeal.

The Court erred in not awarding summary judgment to defendants on plaintiffs' second, third, and fifth causes of action because: (1) construction of the Astoria Premises has been successfully completed; (2) the parties' contractually-fixed cash and construction contributions exceeding \$2.4 million, and defendants' direct or indirect 50% ownership interest in 23-15 Astoria Boulevard Realty LLC and AB Building Management LLC, have been acknowledged in writing by plaintiff Triantafellou in multiple and binding lawyer-drafted commercial agreements and affidavits; and (3) the documentary evidence flatly contradicts plaintiffs' allegations in the complaint.

Party Information

Instructions: Fill in the name of each party to the action or proceeding, one name per line. If this form is to be filed for an appeal, indicate the status of the party in the court of original instance and his, her, or its status in this court, if any. If this form is to be filed for a proceeding commenced in this court, fill in only the party's name and his, her, or its status in this court.

No.	Party Name	Original Status	Appellate Division Status
1	Peter Triantafellou	Plaintiff	Respondent
2	George Miltiadou	Defendant	Appellant
3	Konstantinos Tsidavis	Defendant	Appellant
4	Elisavet Tzoumaka	Defendant	Appellant
5	Athanasios Tsidavis	Defendant	Appellant
6	Rosemarie Tsidavis	Defendant	Appellant
7	Mitsi Realty LLC	Defendant	Appellant
8	Elit Green Builders Corp.	Defendant	Appellant
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Informational Statement - Civil

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