

SHORT FORM ORDER

NEW YORK SUPREME COURT - QUEENS COUNTY

Present: HONORABLE CARMEN R. VELASQUEZ IAS PART 38
Justice

-----x
ZIV AZULAY, individually and as the
sole managing member on behalf of DMY
REAL ESTATE, LLC,

Index NO. 705587/14

Plaintiff,

Motion
Date: April 30, 2018

-against-

M# 3

SHALOM MALUL a/k/a CHARLES MALUL,
S&Z DEVELOPMENT, INC., SILVER EQUITIES,
INC., and GREEN STAR EQUITIES, INC.,

Defendants.
-----x

FILED
JUL 12 2018
COUNTY CLERK
QUEENS COUNTY

The following papers numbered EF 32-45 read on this motion by the plaintiff for an order to set the date from which pre-verdict interest should be computed.

	<u>Papers Numbered</u>
Notice of Motion - Affidavits - Exhibits	EF 32-44
Affirmation in Opposition - Exhibits.....	EF 45

Upon the foregoing papers it is ordered that this motion by the plaintiff for an order to set the date from which pre-verdict interest should be computed is decided as follows:

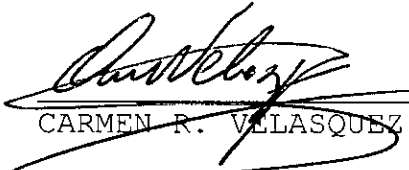
CPLR 5001(a) provides for the recovery of interest to the verdict in a claim for breach of contract. Further, CPLR 5001(b) provides that interest shall be computed from the earliest date the cause of action existed, except that interest upon damages incurred thereafter shall be computed from the date incurred. Moreover, CPLR 5001(c) provides that where, as here, the jury is discharged without specifying the date from which interest is to be computed, the court upon motion shall fix the date.

In the case at bar, the evidence presented at trial, as well as in the moving papers, establishes that defendants breached their obligations to furnish final accounting records and paperwork and make final payments in June 2009 following a meeting between the parties. Thus, the cause of

action existed as of June 2009.

Accordingly, this motion by the plaintiff is granted, and the clerk of the court is directed to compute pre-verdict interest on the principal amount awarded by the jury in the sum of \$670,178.97 at the statutory rate from July 1, 2009.

Date: June 29, 2018


CARMEN R. VELASQUEZ, J.S.C.

FILED
JUL 12 2018
COUNTY CLERK
QUEENS COUNTY