

## SHORT FORM ORDER

NEW YORK STATE SUPREME COURT - QUEENS COUNTY

Present: Honorable Leonard Livote  
Acting Supreme Court Justice

COMMERCIAL DIVISION

-----X  
Wenjuan Shi & Happy 8 Realty Corp.,Index No:  
710343/2016

Plaintiff(s),

-- against --

Motion Date:  
12/05/17

57 Avenue Corp.,

Seq. No: 4

Defendant(s).

-----X

The following papers numbered 1 to 9 were read on this motion by Defendant for an Order pursuant to CPLR §3211(a)(4) and (a)(7), among other things, dismissing the First Amended Complaint in its entirety, as against Defendant, on the grounds set forth in the motion papers.

	PAPERS NUMBERED
Notice of Motion, Affirmation, Affidavits and Exhibits.....	1 - 4
Answering Affirmations, Affidavits and Exhibits.....	5 - 7
Reply Affirmations, Affidavits and Exhibits.....	8 - 9

Upon the foregoing papers, the motion is granted.

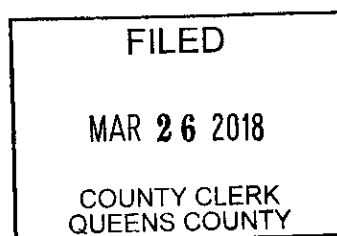
By Order dated May 8, 2017, plaintiff was granted leave to file an amended complaint in the form annexed to the moving papers. Plaintiff instead filed an amended complaint that was not in conformity with the proposed amended complaint annexed to the moving papers.


Accordingly, it is,

Ordered, that the first amended verified complaint dated May 14, 2017, is dismissed.

This constitutes the Order of the Court.

Dated: March 19, 2018



.....  
  
 Leonard Livote, A.J.S.C.