

Giardina v Barasch
2015 NY Slip Op 06780
Decided on September 16, 2015
Appellate Division, Second Department
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Decided on September 16, 2015 SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Second Judicial Department
REINALDO E. RIVERA, J.P.
RUTH C. BALKIN
ROBERT J. MILLER
HECTOR D. LASALLE, JJ.

2013-07031
(Index No. 10-05274)

[*1]Joseph Giardina, etc., respondent,

v

Lynne R. Barasch, et al., appellants.

Shapiro, Beilly & Aronowitz, LLP, New York, N.Y. (Roy J. Karlin of counsel), for
appellants.

Michael Fuller Sirignano, Cross River, N.Y., for respondent.

DECISION & ORDER

In an action to recover damages for personal injuries, the defendants appeal from a judgment of the Supreme Court, Westchester County (Smith, J.), dated June 18, 2013, which, upon a jury verdict, is in favor of the plaintiff's decedent and against them in the principal sum of \$1,275,000.

ORDERED that the judgment is affirmed, with costs.

Applications for continuances are addressed to the sound discretion of trial courts (*see MRI Enters., Inc. v Comprehensive Med. Care of N.Y., P.C.*, 122 AD3d 595, 596; *Black v St. Luke's Cornwall Hosp.*, 112 AD3d 661, 661; *Noble Thread Corp. v Noble Group Corp.*, 46 AD3d 778, 779), and in determining such applications courts must undertake a "balanced consideration" of all relevant factors (*Noble Thread Corp. v Noble Group Corp.*, 46 AD3d at 779; *see Matter of Sicurella v Embro*, 31 AD3d 651, 651). In determining the defendants' application for a continuance of the trial, the Supreme Court undertook a balanced consideration of all relevant factors, and did not improvidently exercise its discretion in denying the application.

The defendants' remaining contention is without merit.

RIVERA, J.P., BALKIN, MILLER and LASALLE, JJ., concur.

ENTER:

Aprilanne Agostino

Clerk of the Court

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