

SUPREME COURT OF THE STATE OF NEW YORK — NEW YORK COUNTY

PRESENT: HON. MARILYN SHAFER
Justice

PART 36

HISPANIC AIDS FORUM,

Plaintiff,

INDEX NO. 112428/01

-against-

MOTION SEQ. NO. 004

ESTATE OF JOSEPH BRUNO, et. al.,

Defendants.

The following papers, numbered 1 to 4, were read on this motion:

PAPERS NUMBERED

Notice of Motion — Affidavits — Exhibits

1

Answering Affidavits — Exhibits

2,3

Replying Affidavits — Memorandum of Law

4

Cross-Motion: Yes No

Upon the foregoing papers it is hereby ordered that defendant's motion to dismiss is decided as set forth below.

Background

Plaintiff Hispanic Aids Forum ("HAF") is a non-profit organization whose treatment and education services seek to reduce HIV transmission and secure necessary support services for Latinos in New York City who are affected by HIV/AIDS. HAF operates three community-based offices in the City's largest Latino neighborhoods, including Lower Manhattan, Western Queens and the South Bronx. In March 1991, HAF entered into a two-year lease ("the lease") with the defendants for office space in the Bruson Building ("the building"), located at 74-09 37th Avenue in Jackson Heights. The defendants own, operate and manage the building. The