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Decided on January 23, 2019 SUPREME C  
Appellate Division, Second Judicial Department  
RUTH C. BALKIN, J.P.  
LEONARD B. AUSTIN  
FRANCESCA E. CONNOLLY  
LINDA CHRISTOPHER, JJ.

OF THE STATE OF NEW YORK

2017-11329  
(Index No. 513856/17)

**[\*1]Boucan NYC Café, LLC, respondent,**

**v**

**467 Rogers, LLC, appellant.**

Angelyn D. Johnson & Associates, LLC (Alter & Barbaro, Brooklyn, NY [Bernard Mitchell Alter and Do Lee], of counsel), for appellant.

Adam Kalish (Treybich Law, P.C., New York, NY [Michael Treybich], of counsel), for respondent.

**DECISION & ORDER**



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In light of our determination, we need not address the defendant's remaining contentions.

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