

56 A.D.3d 504

(Cite as: 56 A.D.3d 504, 867 N.Y.S.2d 210)

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Board of Trustees of Maha Lakshmi Mandir, Inc. v.
Dubey
56 A.D.3d 504, 867 N.Y.S.2d 210
NY,2008.

56 A.D.3d 504867 N.Y.S.2d 210, 2008 WL
4890021, 2008 N.Y. Slip Op. 08691

Board of Trustees of Maha Lakshmi Mandir, Inc.,
Appellant
v
Swasti Dubey, Respondent.
Supreme Court, Appellate Division, Second De-
partment, New York
November 12, 2008

CITE TITLE AS: Board of Trustees of Maha Lak-
shmi Mandir, Inc. v Dubey

Storzer & Greene, PLLC, New York, N.Y. (Robert
L. Greene of counsel), for appellant.
Sweeney, Gallo, Reich & Bolz, LLP, Rego Park,
N.Y. (Michael H. Reich of counsel), for respon-
dent.

In an action, inter alia, for injunctive relief, the
plaintiff appeals, as limited by its brief, from so
much of an order of the Supreme Court, Queens
County (Weiss, J.), entered March 26, 2007, as
denied that branch of its motion which was to reject
that portion of a Referee's report (Darche, R.),
dated October 19, 2006, as, after a hearing, recom-
mended that the court certify the candidates listed
on the slate proposed by the defendant as the elec-
ted officers, committee members, and trustees of
Maha Lakshmi Mandir, Inc., and confirmed that
portion of the Referee's report.

Ordered that the order is affirmed insofar as ap-
pealed from, with costs.

“Where a referee's findings are supported by the re-
cord, the court should confirm the referee's report
and adopt the recommendation made therein” (*Shen*

v Shen, 21 AD3d 1078, 1079 [2005]; see *Slater v
Links at N. Hills*, 262 AD2d 299 [1999]). Here, the
record supports the Referee's findings, including
the determination that certain records offered by the
plaintiff were not admissible under the business re-
cords exception to the hearsay rule (see CPLR 4518
[a]; *Matter of Leon RR.*, 48 NY2d 117, 122 [1979];
Johnson v Lutz, 253 NY 124 [1930]; *505 *Stock v
Otis El. Co.*, 52 AD3d 816 [2008]; *Whitfield v City
of New York*, 48 AD3d 798 [2008]; *Hochhauser v
Electric Ins. Co.*, 46 AD3d 174 [2007]). Accord-
ingly, the Supreme Court properly confirmed that
portion of the Referee's report that recommended
that the court certify the candidates listed on the
slate proposed by the defendant as the elected of-
ficers, committee **2 members, and trustees of
Maha Lakshmi Mandir, Inc. Mastro, J.P., Rivera,
Covello and Leventhal, JJ., concur. [See 15 Misc 3d
1112(A), 2007 NY Slip Op 50590(U).]

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York

NY,2008.

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