

127 A.D.3d 519, 5 N.Y.S.3d 725
(Mem), 2015 N.Y. Slip Op. 03079

****1** Barbara Kennedy et al., Appellants

v

Jahan Yousaf et al., Respondents, et al., Defendants.

Supreme Court, Appellate Division,
First Department, New York
14797, 159310/13
April 14, 2015

CITE TITLE AS: Kennedy v Yousaf

HEADNOTE

Courts

Jurisdiction

Long-Arm Jurisdiction—Actions Insufficient to
Constitute Transaction of Business in New York

***520**

Ritholz Levy Sanders Chidekel & Fields, New York
(Jonathan D. Plaut and David Chidekel of counsel), for
appellants.

Rosenberg & Giger P.C., New York (John J. Rosenberg
of counsel), for respondents.

Order, Supreme Court, New York County (Manuel
J. Mendez, J.), entered May 6, 2014, which granted
defendants' motion to dismiss the complaint for lack of
personal jurisdiction, unanimously affirmed, with costs.

Plaintiffs failed to establish that defendants transacted
business in New York from which plaintiffs' causes of
action arise (*see CPLR 302 [a] [1]*). Plaintiffs' own New
York activities relating to their management agreement
with defendants cannot be attributed to defendants (*see
Royalty Network, Inc. v Harris, 95 AD3d 775 [1st Dept
2012]*). The fact that defendants negotiated the agreement
and communicated with plaintiffs via email and telephone
is insufficient to constitute the transaction of business
in New York (*see SunLight Gen. Capital LLC v CJS
Invs. Inc., 114 AD3d 521 [1st Dept 2014]*). Contrary
to their contention, plaintiffs did not demonstrate that
defendants intended to take advantage of New York's
unique resources in the entertainment industry (*see
Royalty Network, 95 AD3d at 776*). Nor did plaintiffs
show that defendants' two appearances in New York had
a substantial relationship to plaintiffs' claims (*see e.g.
Seneca Ins. Co. v Boss, 256 AD2d 175 [1st Dept 1998]*).
Concur—Sweeny, J.P., Renwick, Andrias, DeGrasse and
Gische, JJ.

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