

Sweeny, J.P., Manzanet-Daniels, Tom, Kapnick, Moulton, JJ.

9108N Rafael Castro, Index 302697/15  
Plaintiff-Appellant,

-against-

Parkview Commons Condo,  
Defendant,

BX Parkview Associates, et al.,  
Defendants-Respondents.

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Pollack, Pollack, Isaac & DeCicco, LLP, New York (Brian J. Isaac  
of counsel), for appellant.

Fleischner Potash LLP, New York (Nancy Davis Lewis of counsel),  
for respondents.

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Order, Supreme Court, Bronx County (Donna Mills, J.),  
entered on or about March 23, 2018, which granted defendants-  
respondents' motion for summary judgment dismissing the  
complaint, unanimously affirmed, without costs.

Plaintiff failed to comply with a self-executing order  
directing him, inter alia, to respond to various outstanding  
discovery demands within 45 days or be precluded from offering  
evidence as to liability and damages at trial (see CPLR 3126[2]).  
Plaintiff failed to demonstrate a reasonable excuse for his non-  
compliance and a meritorious claim and therefore may not be

relieved from the dictates of the conditional order (see *Gibbs v St. Barnabas Hosp.*, 16 NY3d 74, 80 [2010]).

We have considered plaintiff's remaining arguments and find them unavailing.

THIS CONSTITUTES THE DECISION AND ORDER  
OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: APRIL 25, 2019

  
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CLERK