

SHORT FORM ORDER
SUPREME COURT - STATE OF NEW YORK

Present:

HON. ANGELA G. IANNACCI,

Justice

TRIAL/IAS, PART 12
NASSAU COUNTY

**TRINITY CHRISTIAN CENTER OF
SANTA ANA, INC., A CALIFORNIA
CORPORATION; AND INTERNATIONAL
CHRISTIAN BROADCASTING, INC.
A CALIFORNIA CORPORATION,**

Plaintiff(s),

-against-

**MOTION DATE: January 27, 2014
MOTION SEQ.: 06, 07
INDEX NO.: 2228/13**

**JOSEPH MCVEIGH, AN INDIVIDUAL AND
TYMOTHY S. MACLEOD, AN INDIVIDUAL,**

Defendant(s),

The following papers read on this motion:

Notice of Motion/Order to Show Cause	1, 3
Affirmation in Opposition	6
Affirmation in Support	4
Reply Affirmation	8
Memorandum of Law	2, 5, 7

The motion by the defendant, Tymothy S. MacLeod, for an order dismissing the complaint pursuant to CPLR 3211(a)(1), (5) and (8), and the cross motion by the plaintiffs for an order granting a stay of this action pursuant to CPLR 2201, are determined as follows:

This action arises from a series of lawsuits involving the parties in California.

The action commenced here alleges malicious prosecution by Macleod as counsel for

his client, defendant Joseph McVeigh, and against McVeigh as well. All of the material allegations occurred in California. The plaintiffs are California corporations. MacLeod is a resident of Massachusetts. The only connection with New York is that McVeigh is apparently a New York resident. The basis for jurisdiction against MacLeod appears to be that he transacted business in New York through his representation of McVeigh.

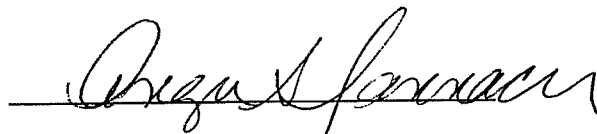
MacLeod has submitted evidence that he did not purposefully avail himself of jurisdiction in this state and, in opposition, the plaintiffs failed to present sufficient evidence to justify the exercise of personal jurisdiction in New York (*see Unitrade Corp. v International Data Systems, Inc.*, ___ AD3d ___ [2d Dept., Feb. 26, 2014]; *Pursani v Stylish Move Sportswear, Inc.*, 92 AD3d 663 [2d Dept. 2012]; *Paolucci v Kamas*, 84 AD3d 766 [2d Dept. 2011], *affd* 18 NY3d [2012]).

Accordingly, the motion is granted, the cross motion is denied and the complaint is dismissed as against the defendant, MacLeod.

Counsel for the remaining parties are directed to appear for a preliminary conference on April 10, 2014, at 9:30 a.m. in the Preliminary Conference Part of this court.

This constitutes the decision and order of the court.

Dated: March 6, 2014



Angela G. Iannacci, J.S.C.