

74 A.D.3d 567, 902 N.Y.S.2d 348, 2010 N.Y. Slip Op. 05278  
(Cite as: **74 A.D.3d 567, 902 N.Y.S.2d 348**)

Supreme Court, Appellate Division, First Department,  
New York.

Shimshon **WEXLER**, Plaintiff-Appellant,

v.

Aaron **WEXLER**, et al., Defendants-Respondents,  
ABC LLC, et al., Defendants.

June 15, 2010.

Kera & Graubard, New York ([Martin S. Kera](#) of  
counsel), for appellant.

Moritt Hock Hamroff & Horowitz LLP, Garden  
City ([Robert M. Tils](#) of counsel), for respondents.

Appeal from order, Supreme Court, New York  
County (Ira S. Gammerman, J.H.O.), entered on or  
about December 15, 2009, which granted defend-  
ants' motion to dismiss the complaint, deemed an  
appeal from judgment, same court and J.H.O.,  
entered January 15, 2010, dismissing the complaint  
([CPLR 5501\[c\]](#)), and, so considered, said judgment  
unanimously affirmed, with costs.

Plaintiff failed to allege fraudulent inducement in  
the execution of the parties' unambiguous Stipula-  
tion of Settlement and Release with sufficient par-  
ticularity and failed to allege facts establishing that  
his reliance on defendant Aaron Wexler's alleged  
misrepresentations was reasonable (*see* \*[349](#)*New  
York City School Constr. Auth. v. Koren-DiResta  
Constr. Co.*, 249 A.D.2d 205, 205-206, 671  
N.Y.S.2d 738 [1998]).

[ANDRIAS](#), J.P., [SAXE](#), [SWEENY](#), [NARDELLI](#),  
[CATTERSON](#), JJ., concur.

N.Y.A.D. 1 Dept. 2010.

Wexler v. Wexler

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