

269 A.D.2d 204

(Cite as: 269 A.D.2d 204, 702 N.Y.S.2d 813)

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Morgenthau v. Eliopoulos
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N.Y.A.D.,2000.

269 A.D.2d 204702 N.Y.S.2d 813, 2000 WL
149571, 2000 N.Y. Slip Op. 01228

Robert M. Morgenthau, Appellant,

v.

Constantine Eliopoulos, Respondent.

Supreme Court, Appellate Division, First Depart-
ment, New York

(February 10, 2000)

CITE TITLE AS: Morgenthau v Eliopoulos

Order, Supreme Court, New York County (Eileen
Bransten, J.), entered on or about March 23, 1999,
which held plaintiff's order to show cause seeking a
preliminary injunction in abeyance pending a fact-
finding hearing to determine plaintiff's entitlement
to such relief, unanimously affirmed, without costs.

The court properly exercised its discretion in order-
ing a fact-finding hearing since the parties' aver-
ments reveal that the facts pertinent to assessing the
likelihood of plaintiff's success on the merits in this
forfeiture proceeding are disputed (*see, Mor-
genthau v Young*, 204 AD2d 118;*Dillon v Schiavo*,
114 AD2d 924,lv dismissed67 NY2d 605).

We have considered plaintiff's remaining conten-
tions and find them unavailing.

Concur--Rosenberger, J. P., Williams, Saxe and
Buckley, JJ.

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N.Y.A.D.,2000.

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