

**LOUIS LASKY MEM. MED. & DENTAL CTR. LLC v. 63 W. 38th LLC**

*2011 NY Slip Op 03971*

**LOUIS LASKY MEMORIAL MEDICAL AND DENTAL CENTER LLC,  
Plaintiff-Appellant,  
v.  
63 WEST 38TH LLC, ET AL., Defendants,  
63 WEST 38TH STREET DEVELOPMENT LLC, Defendant-Respondent.**

**5071N, 603739/08.**

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

Decided May 12, 2011.

Law Offices of Lisa M. Solomon, New York (Lisa M. Solomon of counsel), for appellant.

Adam Leitman Bailey, P.C., New York (Jeffrey R. Metz of counsel), for respondent.

Before: Gonzalez, P.J., Tom, Andrias, Moskowitz, Freedman, JJ.

---

The court providently exercised its discretion in denying plaintiff's motion for a preliminary injunction (see *Nobu Next Door, LLC v Fine Arts Hous., Inc.*, [4 N.Y.3d 839](#), 840 [2005]). Even if plaintiff could show that it was likely to succeed on the merits of its claim for declaratory relief, it failed to demonstrate that its potential damages are not compensable in money and capable of calculation, and thus, that it will suffer irreparable harm in the absence of the requested injunction (see *Credit Index v RiskWise Intl.*, [282 A.D.2d 246](#), 247 [2001]). Plaintiff has also failed to show that the equities tip in its favor (*id.*). As the court found, the 12-month period provided in the notice of termination gives plaintiff ample time to ameliorate any "disruption and anxiety" caused by plaintiff's relocation.

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

---