

Appellate Division, First Judicial Department

Webber, J.P., Oing, González, Kennedy, Shulman, JJ.

1845 LEHMAN BROTHERS INTERNATIONAL (EUROPE) Index No. 653284/11
(in Administration), Case No. 2023-03409
Plaintiff-Appellant,

-against-

AG FINANCIAL PRODUCTS, INC.,
Defendant-Respondent.

Quinn Emanuel Urquhart & Sullivan LLP, New York (Andrew J. Rossman of counsel),
for appellant.

Cleary Gottlieb Steen & Hamilton LLP, New York (Roger A. Cooper of counsel), for
respondent.

Judgment, Supreme Court, New York County (Melissa A. Crane, J.), entered June
30, 2023, dismissing **plaintiff's remaining cause of action after a bench trial and**
awarding defendant/counterclaim plaintiff \$20,663,300.20, plus interest, unanimously
affirmed, with costs.

We affirm for the reasons set forth in Supreme Court's well-reasoned decision.

**"In a nonjury trial, the decision of the fact-finding court should not be disturbed
upon appeal unless it is obvious that the court's conclusions could not be reached under
any fair interpretation of the evidence"** (*Watts v State of New York*, 25 AD3d 324 [1st
Dept 2006] [internal quotation marks omitted]). Here, there is no basis to disturb the
trial court's determination, which is based upon its resolution of conflicting expert
testimony.

We have considered plaintiff's remaining arguments, including that the trial court's decision after trial is inconsistent with our decision on summary judgment (*see* 168 AD3d 527 [1st Dept 2019]), and find them unavailing.

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

ENTERED: March 14, 2024

A handwritten signature in black ink, appearing to read "Susanna Molina Rojas". The signature is written in a cursive, flowing style.

Susanna Molina Rojas
Clerk of the Court