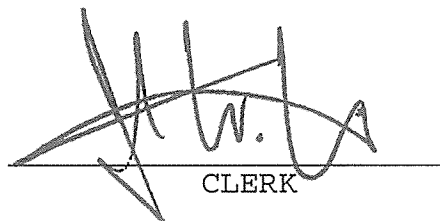


participation with [defendant] or under [its] direction and control" (see *Deutsche Bank Sec., Inc. v Montana Bd. of Invs.*, 7 NY3d 65, 71 [2006]; *Sunward Elecs., Inc. v McDonald*, 362 F3d 17, 22, 23 [2d Cir 2004]). Given long-arm jurisdiction under CPLR 302(a)(1), we need not reach the question of whether there is also jurisdiction under CPLR 301 (see *Deutsche Bank*, 7 NY3d at 72 n 2).

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

ENTERED: JUNE 23, 2009



CLERK