

**Supreme Court of the State of New York**  
**Appellate Division: Second Judicial Department**

M71290  
E/sl

ROBERT A. SPOLZINO, J.P.  
DAVID S. RITTER  
FRED T. SANTUCCI  
EDWARD D. CARNI, JJ.

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2007-03215

DECISION & ORDER ON MOTION

Samson Odumbo, respondent,  
v Gamage D. Perera, appellant.

(Index No. 13048/04)

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Motion by the appellant for leave to appeal to the Court of Appeals from a decision and order of this court dated April 1, 2008, which determined an appeal from an order of the Supreme Court, Richmond County, dated March 6, 2007.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the motion is denied.

SPOLZINO, J.P., RITTER, SANTUCCI and CARNI, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

June 5, 2008

ODUMBO v PERERA