

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

M71437  
E/sl

ROBERT A. SPOLZINO, J.P.  
FRED T. SANTUCCI  
RANDALL T. ENG  
JOHN M. LEVENTHAL, JJ.

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2008-02680

DECISION & ORDER ON MOTION

Frances Rivera, etc., et al., respondents,  
v City of New York, et al., appellants,  
et al., defendants.

(Index No. 6288/00)

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Motion by the appellants to recall and vacate an order on application of this court dated April 25, 2008, which dismissed an appeal from an order of the Supreme Court, Kings County, entered March 14, 2008, and to reinstate the appeal.

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

ORDERED that the motion is granted; and it is further,

ORDERED that the order on application of this court dated April 25, 2008, is recalled and vacated.

SPOLZINO, J.P., SANTUCCI, ENG and LEVENTHAL, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

June 5, 2008

RIVERA v CITY OF NEW YORK