

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

M71666  
E/sl

REINALDO E. RIVERA, J.P.  
ROBERT A. LIFSON  
DAVID S. RITTER  
EDWARD D. CARNI, JJ.

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2006-11329

DECISION & ORDER ON MOTION

Constance Fish, appellant, Kenneth Fish, plaintiff,  
v City of New York, et al., respondents.

(Index No. 24184/98)

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Motion by the appellant and the plaintiff for leave to reargue an appeal from a judgment of the Supreme Court, Kings County, dated October 23, 2006, which was determined by decision and order of this court dated February 5, 2008, or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this court.

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

ORDERED that the motion is denied, with \$100 costs.

RIVERA, J.P., LIFSON, RITTER and CARNI, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

June 11, 2008

FISH v CITY OF NEW YORK