

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

M71870
E/sl

DAVID S. RITTER, J.P.
HOWARD MILLER
MARK C. DILLON
WILLIAM E. McCARTHY, JJ.

2007-07807

DECISION & ORDER ON MOTION

Rita Katanova, appellant,
v Eastern Metalworks, Inc., et al.,
respondents.

(Index No. 18852/99)

On the court's own motion, it is

ORDERED that its decision and order on motion dated October 15, 2007, in the above-entitled case is recalled and vacated, and the following decision and order on motion is substituted therefor:

Motion by the respondents to dismiss an appeal from an order of the Supreme Court, Queens County, dated July 16, 2007, on the ground that no appeal lies from an order denying a motion for leave to reargue.


Upon the papers filed in support of the motion and no papers having been filed in opposition or relation thereto, it is

ORDERED that on the court's own motion, the appeal is dismissed, without costs or disbursements, on the ground that the order was superseded by a judgment of the same court entered November 5, 2007 (see Matter of Aho, 39 NY2d 241); and it is further,

ORDERED that the motion is denied as academic.

RITTER, J.P., MILLER, DILLON and McCARTHY, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

June 13, 2008

KATANOVA v EASTERN METALWORKS, INC.