

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

M72238
E/cb

WILLIAM F. MASTRO, J.P.
REINALDO E. RIVERA
WILLIAM E. McCARTHY
THOMAS A. DICKERSON, JJ.

2007-03593

DECISION & ORDER ON MOTION

Robert Stivala, respondent-appellant, v Board of Trustees of the New York District Council of Carpenters Health and Welfare Fund, etc., et al., appellants-respondents.

(Index No. 12961/05)


Motion by respondent-appellant for leave to reargue an appeal from an order of the Supreme Court, Westchester County, dated March 19, 2007, which was determined by decision and order of this court dated February 19, 2008.

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

ORDERED that the motion is denied without prejudice to the respondent-appellant making a motion in the Supreme Court, Westchester County, for entry of a judgment in the above-entitled action that includes a provision vacating the judgment by confession.

MASTRO, J.P., RIVERA, McCARTHY and DICKERSON, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

June 25, 2008

STIVALA v BOARD OF TRUSTEES OF THE
NEW YORK DISTRICT COUNCIL OF CARPENTERS