

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

M72457  
E/sl

REINALDO E. RIVERA, J.P.  
ROBERT A. SPOLZINO  
EDWARD D. CARNI  
WILLIAM E. McCARTHY, JJ.

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2007-00538, 2007-05422, 2007-05423

DECISION & ORDER ON MOTION

Michael Francesa, et al., respondents,  
v Joseph Scibetta, et al., appellants.

(Index No. 18683/05)

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Motion by the respondents for leave to reargue appeals from two orders of the Supreme Court, Nassau County, entered December 6, 2006, and May 8, 2007, respectively, and a judgment of the same court entered May 8, 2007, which were determined by decision and order of this court dated April 1, 2008, or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this court. Cross motion by the appellants for leave to reargue the appeals.

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

ORDERED that the motion and cross motion are denied.

RIVERA, J.P., SPOLZINO, CARNI and McCARTHY, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

June 30, 2008

FRANCESCA v SCIBETTA