

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

M72467
E/sl

ROBERT A. SPOLZINO, J.P.
FRED T. SANTUCCI
DANIEL D. ANGIOLILLO
RUTH C. BALKIN, JJ.

2006-10773

DECISION & ORDER ON MOTION

Sherrylee S. Wheaton, et al., plaintiffs-respondents-appellants, v East End Commons Associates, LLC, a/k/a The Feil Organization, et al., defendants-respondents-appellants, Kings Park Contracting, Inc., appellant-respondent.

(Index No. 3576-04)


Motion by Kings Park Contracting, Inc., for leave to reargue an appeal and cross appeals from an order of the Supreme Court, Suffolk County, dated September 5, 2006, 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.

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.

SPOLZINO, J.P., SANTUCCI, ANGIOLILLO and BALKIN, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

July 2, 2008

WHEATON v EAST END COMMONS ASSOCIATES, LLC, a/k/a FEIL ORGANIZATION