

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

M76584  
E/kmg

ROBERT A. SPOLZINO, J.P.  
FRED T. SANTUCCI  
RANDALL T. ENG  
JOHN M. LEVENTHAL, JJ.

---

2007-08897

DECISION & ORDER ON MOTION

William Garcia, appellant, v Leon C. Davis,  
defendant, Danbury Fair Hyundai, LLC,  
respondent.

(Index No. 1826/05)

---

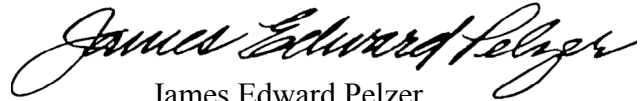
Motion by the respondent for leave to reargue an appeal from an order of the Supreme Court, Putnam County, dated August 15, 2007, which was determined by decision and order of this court dated July 8, 2008, or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order 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.

SPOLZINO, J.P., SANTUCCI, ENG and LEVENTHAL, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

October 1, 2008

GARCIA v DAVIS