

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

M76587  
E/kmg

WILLIAM F. MASTRO, J.P.  
ROBERT A. SPOLZINO  
DAVID S. RITTER  
JOHN M. LEVENTHAL, JJ.

---

2007-05254

DECISION & ORDER ON MOTION

Kenneth Guercio, et al., appellants,  
v Brookhaven Memorial Hospital Medical  
Center, respondent.

(Index No. 11327/04)

---

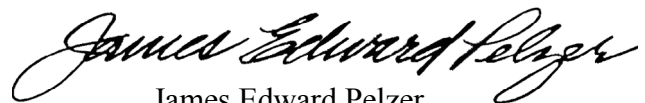
Motion by the appellants for leave to reargue an appeal from an order of the Supreme Court, Suffolk County, dated April 27, 2007, which was determined by decision and order of this court dated June 24, 2008, or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order 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.

MASTRO, J.P., SPOLZINO, RITTER and LEVENTHAL, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

October 1, 2008

GUERCIO v BROOKHAVEN MEMORIAL HOSPITAL MEDICAL CENTER