

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

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E/kmg

PETER B. SKELOS, J.P.  
FRED T. SANTUCCI  
RUTH C. BALKIN  
CHERYL E. CHAMBERS, JJ.

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2007-05390

DECISION & ORDER ON MOTION

Ena Cruz, respondent, v Thomas J. Gustitos,  
et al., appellants.

(Index No. 3721/05)

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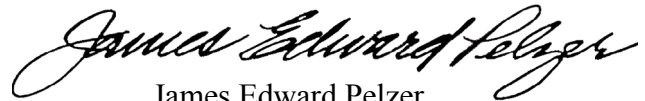
Motion by the respondent for leave to reargue an appeal from a judgment of the Supreme Court, Nassau County, entered May 22, 2007, which was determined by decision and order of this court dated May 27, 2008, or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order 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.

SKELOS, J.P., SANTUCCI, BALKIN and CHAMBERS, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

October 1, 2008

CRUZ v GUSTITOS