

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

M78495
E/sl

A. GAIL PRUDENTI, P.J.
PETER B. SKELOS
FRED T. SANTUCCI
JOSEPH COVELLO
EDWARD D. CARNI, JJ.

2006-11722

DECISION & ORDER ON MOTION

Lewis J. Bazakos, appellant,
v Philip Lewis, respondent, et al., defendant.

(Index No. 14242/04)

Motion by the respondent for leave to appeal to the Court of Appeals pursuant to CPLR 5602(b)(1) from an opinion and order of this court dated September 23, 2008, which reversed an order of the Supreme Court, Nassau County, entered November 17, 2006.


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

ORDERED that the motion is granted, and the following question is certified to the Court of Appeals: Was the opinion and order of this court dated September 23, 2008, properly made?

Questions of law have arisen, which, in our opinion, ought to be reviewed by the Court of Appeals (*see* CPLR 5713).

PRUDENTI, P.J., SKELOS, SANTUCCI, COVELLO and CARNI, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

November 13, 2008

BAZAKOS v LEWIS