

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

M78504  
E/sl

STEVEN W. FISHER, J.P.  
FRED T. SANTUCCI  
DANIEL D. ANGIOLILLO  
WILLIAM E. McCARTHY, JJ.

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2007-11733

DECISION & ORDER ON MOTION

In the Matter of Benson Point Realty Corporation,  
respondent, v Town of East Hampton, appellant.

(Index No. 14908-05)

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Motion by Benson Point Realty Corporation on an appeal from an order of the Supreme Court, Suffolk County, dated November 28, 2007, inter alia, for leave to reargue that branch of the appellant's prior motion which was to confirm that an automatic stay is in effect, which was determined by decision and order on motion of this court dated August 8, 2008, or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order on motion 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.

FISHER, J.P., SANTUCCI, ANGIOLILLO and McCARTHY, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

November 14, 2008

MATTER OF BENSON POINT REALTY CORPORATION v TOWN OF EAST HAMPTON