

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

M78536
E/sl

DAVID S. RITTER, J.P.
JOSEPH COVELLO
DANIEL D. ANGIOLILLO
WILLIAM E. McCARTHY, JJ.

2007-02146

DECISION & ORDER ON MOTION

Superior Ice Rink, Inc., plaintiff-appellant,
v Nescon Contracting Corp., d/b/a A1 Discount
Painting, et al., respondents, Seigerman Mulvey
Company, Inc., defendant-appellant.

(Index No. 5858/06)


Motion by Merchants Mutual Insurance Company on an appeal and cross appeal from an order of the Supreme Court, Nassau County, entered January 25, 2007, which were determined by decision and order of this court dated June 17, 2008, for leave to reargue stated portions of the cross appeal of Superior Ice Rink, Inc., 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.

RITTER, J.P., COVELLO, ANGIOLILLO and McCARTHY, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

November 14, 2008

SUPERIOR ICE RINK, INC. v NESCON CONTRACTING CORP., d/b/a
A1 DISCOUNT PAINTING