

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

M79479  
E/sl

A. GAIL PRUDENTI, P.J.  
FRED T. SANTUCCI  
WILLIAM E. McCARTHY  
CHERYL E. CHAMBERS, JJ.

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2008-03163

DECISION & ORDER ON MOTION

Kelly Wallace, appellant,  
v State of New York, respondent.

(Claim No. 105198)

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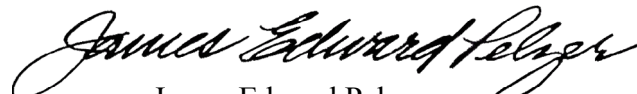
Motion by the appellant to recall and vacate a decision and order on motion of this court dated April 29, 2008, which dismissed an appeal from a transcript of the Court of Claims certified March 8, 2008, and to reinstate the appeal.

Upon the papers filed in support of the motion and no papers having been filed in opposition or in relation thereto, it is

ORDERED that the motion is denied.

PRUDENTI, P.J., SANTUCCI, McCARTHY and CHAMBERS, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

December 8, 2008

WALLACE v STATE OF NEW YORK