

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

M86060  
E/cb

ROBERT A. SPOLZINO, J.P.  
ANITA R. FLORIO  
JOSEPH COVELLO  
RANDALL T. ENG, JJ.

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2008-10652

DECISION & ORDER ON MOTION

Jillian Smith, respondent, v M.S. Management  
Associates, Inc., et al., appellants.

(Index No. 9901/07)

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Motion by the appellants for leave to reargue their prior motion to stay the trial in the above-entitled action pending hearing and determination of an appeal from an order of the Supreme Court, Nassau County, dated September 29, 2008, which was determined by decision and order on motion dated March 5, 2009.

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

ORDERED that the motion is denied.

SPOLZINO, J.P., FLORIO, COVELLO and ENG, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

May 1, 2009

SMITH v M.S. MANAGEMENT ASSOCIATES, INC.