

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

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WILLIAM F. MASTRO, J.P.
STEVEN W. FISHER
ANITA R. FLORIO
CHERYL E. CHAMBERS, JJ.

2007-09005

DECISION & ORDER ON MOTION

Staten Island New York CVS, Inc., appellant-respondent, v Gordon Retail Development, LLC, et al., defendants third-party plaintiffs-respondents-appellants, Virga Commercial Contractors, Inc., defendants second third-party plaintiffs-respondents-appellants, Nave, Newell & Stampfl, Ltd., et al., defendants-respondents-appellants; Future Tech Consultants of New York, Inc., third-party defendant-respondent, et al., second third-party defendants. (Action No. 1)

Staten Island New York CVS, Inc., et al., appellants, v MXW Holding Corp., respondent. (Action No. 2)

(Index Nos. 10972/03, 12197/04)

Motion by Future Tech Consultants of New York, Inc., for leave to reargue stated portions of an appeal from an order of the Supreme Court, Richmond County, dated September 7, 2007, which were determined by decision and order of this court dated December 16, 2008, 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

May 6, 2009


Page 1.

STATEN ISLAND NEW YORK CVS, INC. v GORDON RETAIL DEVELOPMENT, LLC

ORDERED that the motion is denied, with \$100 costs.

MASTRO, J.P., FISHER, FLORIO and CHAMBERS, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive style with a large, sweeping initial "J".

James Edward Pelzer
Clerk of the Court