

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

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E/cb

PETER B. SKELOS, J.P.  
MARK C. DILLON  
JOSEPH COVELLO  
ARIEL E. BELEN, JJ.

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2008-00385

DECISION & ORDER ON MOTION

Elrac, Inc., d/b/a Enterprise Rent-A-Car,  
respondent-appellant, v GE Capital Insurance  
Company, appellant-respondent, et al., defendants.

(Index No. 15978/05)

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Motion by the respondent-appellant for leave to appeal to the Court of Appeals from a decision and order of this court dated December 23, 2008, which determined an appeal and cross appeal from an order of the Supreme Court, Suffolk County, dated October 18, 2007.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the motion is denied.

SKELOS, J.P., DILLON, COVELLO and BELEN, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

May 6, 2009

ELRAC, INC., d/b/a ENTERPRISE RENT-A-CAR v GE CAPITAL INSURANCE COMPANY