

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

M86374  
E/cb

WILLIAM F. MASTRO, J.P.  
ANITA R. FLORIO  
JOSEPH COVELLO  
ARIEL E. BELEN, JJ.

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2007-08561

DECISION & ORDER ON MOTION

Suffolk Asphalt Supply, Inc., appellant, v Board  
of Trustees of Village of Westhampton Beach, et al.,  
respondents.

(Index No. 15115/00)

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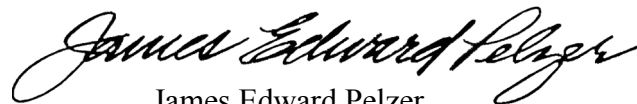
Motion by the appellant for leave to reargue an appeal from an order of the Supreme Court, Suffolk County, dated June 11, 2007, which was determined by decision and order of this court dated February 3, 2009, or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order 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.

MASTRO, J.P., FLORIO, COVELLO and BELEN, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

May 11, 2009

SUFFOLK ASPHALT SUPPLY, INC. v BOARD OF  
TRUSTEES OF VILLAGE OF WESTHAMPTON BEACH