

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

M86400  
E/cb

WILLIAM F. MASTRO, J.P.  
PETER B. SKELOS  
RUTH C. BALKIN  
ARIEL E. BELEN, JJ.

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2007-03679

DECISION & ORDER ON MOTION

Ashley Homes of Long Island, Inc., respondent,  
v County of Suffolk, appellant, et al., defendant.

(Index No. 03-20117)

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Motion by the appellant for leave to reargue an appeal from an order of the Supreme Court, Suffolk County, dated March 27, 2007, which was determined by decision and order of this court dated January 27, 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., SKELOS, BALKIN and BELEN, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

May 11, 2009

ASHLEY HOMES OF LONG ISLAND, INC. v COUNTY OF SUFFOLK