

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

M86884
E/sl

REINALDO E. RIVERA, J.P.
DANIEL D. ANGIOLILLO
RANDALL T. ENG
ARIEL E. BELEN, JJ.

2008-00063

DECISION & ORDER ON MOTION

Technical Support Services, Inc., appellant,
v International Business Machines Corporation,
respondent.

(Index No. 06-2891)

Motion by the respondent to strike the appellant's motion, inter alia, for clarification of a decision and order of this court dated February 17, 2009, which determined an appeal from an order of the Supreme Court, Westchester County, entered December 7, 2007, on the ground that the motion was not timely made (*see* CPLR 5513[b]; 22 NYCRR 670.6[a]).

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

ORDERED that the motion is granted, and the appellant's motion is stricken.

RIVERA, J.P., ANGIOLILLO, ENG and BELEN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

May 20, 2009

TECHNICAL SUPPORT SERVICES, INC. v INTERNATIONAL BUSINESS
MACHINES CORPORATION