

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

M87969  
E/sl

PETER B. SKELOS, J.P.  
FRED T. SANTUCCI  
THOMAS A. DICKERSON  
RANDALL T. ENG, JJ.

---

2008-08376

DECISION & ORDER ON MOTION

In the Matter of G & P Investing Company,  
respondent, v Brian X. Foley, et al., appellants.

(Index No. 10699-08)

---

Motion by the appellants for leave to appeal to the Court of Appeals from a decision and order of this court dated April 7, 2009, which determined an appeal from a judgment of the Supreme Court, Suffolk County, dated June 10, 2008.

Upon the papers filed in support of the motion and no papers having been filed in opposition or in relation thereto, it is

ORDERED that the motion is denied

SKELOS, J.P., SANTUCCI, DICKERSON and ENG, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

June 15, 2009

MATTER OF G & P INVESTING COMPANY v FOLEY