

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

M88317  
E/sl

A. GAIL PRUDENTI, P.J.  
MARK C. DILLON  
JOSEPH COVELLO  
JOHN M. LEVENTHAL, JJ.

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2008-08661

DECISION & ORDER ON MOTION

Kristopher Kohl, appellant, v American Transit  
Insurance Company, respondent.

(Index No. 9034/08)

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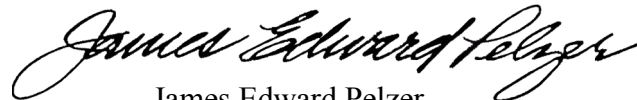
Motion by the respondent for leave to reargue an appeal from an order of the Supreme Court, Kings County, dated July 30, 2008, which was determined by decision and order of this court dated February 24, 2009, or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order 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.

PRUDENTI, P.J., DILLON, COVELLO and LEVENTHAL, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

June 22, 2009

KOHL v AMERICAN TRANSIT INSURANCE COMPANY