

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

M88842  
E/cb

ROBERT A. SPOLZINO, J.P.  
JOSEPH COVELLO  
RUTH C. BALKIN  
ARIEL E. BELEN, JJ.

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2007-04386, 2008-05467

DECISION & ORDER ON MOTION

Robert Congel, etc., et al., respondents,  
v Marc Malfitano, appellant.

(Index No. 220/07)

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Motion by the appellant for leave to reargue (1) an appeal from an order of the Supreme Court, Dutchess County, dated April 20, 2007, which was determined by decision and order of this court dated April 21, 2009, and (2) an appeal from an order of the same court dated May 29, 2008, which was determined by decision and order of this court also dated April 21, 2009.

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 one bill of \$100 costs.

SPOLZINO, J.P., COVELLO, BALKIN and BELEN, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

July 1, 2009

CONGEL v MALFITANO