

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

M89130  
E/sl

WILLIAM F. MASTRO, J.P.  
PETER B. SKELOS  
MARK C. DILLON  
RANDALL T. ENG, JJ.

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2008-06456, 2008-10451

DECISION & ORDER ON MOTION

In the Matter of Angela Labita, a/k/a  
Angelica J. Labita, deceased.  
Katherine D'Alessandro, appellant;  
Nicolina D. Hayhurst, respondent.

(File No. 340135)

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Motion by the appellant, in effect, for leave to reargue her prior motion, in effect, to vacate so much of a decision and order on motion of this court dated February 24, 2009, as dismissed appeals from an order of the Surrogate's Court, Nassau County, dated June 3, 2008, and a decree of the same court dated October 16, 2008, to reinstate the appeals, and for leave to prosecute the appeals as a poor person. The prior motion, inter alia, to vacate was determined by decision and order on motion dated April 17, 2009.

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.

MASTRO, J.P., SKELOS, DILLON and ENG, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

July 14, 2009

MATTER OF LABITA, DECEASED