

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

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E/sl

WILLIAM F. MASTRO, J.P.
JOSEPH COVELLO
THOMAS A. DICKERSON
JOHN M. LEVENTHAL, JJ.

2007-10025

DECISION & ORDER ON MOTION

Michael C. Trimarco, respondent,
v Data Treasury Corporation, appellant.

(Index No. 30324-03)

Motion by the appellant for leave to appeal to the Court of Appeals from a decision and order of this court dated February 17, 2009, which determined an appeal from an order of the Supreme Court, Suffolk County, dated August 27, 2007. Cross motion by the respondent for an award of an attorney's fee and to impose a sanction upon the appellant.

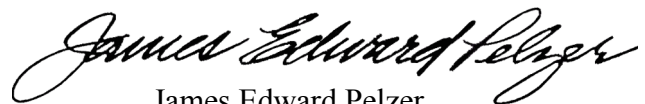
Upon the papers filed in support of the motion and the cross motion, and the papers filed in opposition thereto, it is

ORDERED that the motion is denied; and it is further,

ORDERED that the cross motion is granted to the extent that the respondent is awarded motion costs in the sum of \$100 and the cross motion is otherwise denied.

MASTRO, J.P., COVELLO, DICKERSON and LEVENTHAL, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

July 13, 2009

TRIMARCO v DATA TREASURY CORPORATION