

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

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E/sl

MARK C. DILLON, J.P.
DANIEL D. ANGIOLILLO
THOMAS A. DICKERSON
RANDALL T. ENG, JJ.

2008-11568, 2009-02617

DECISION & ORDER ON MOTION
Motion to Dismiss Appeal

Nationwide Mutual Insurance Company, respondent,
v Mark Rogowski, et al., defendants, Nancy
Rogowski, etc., et al., appellants.

(Index No. 06-4213)

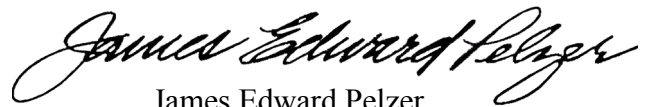
Motion by the respondent on appeals from two orders of the Supreme Court, Orange County, dated September 24, 2008, and January 9, 2009, respectively, to dismiss the appeal from stated portions of the order dated January 9, 2009, on the ground that no appeal lies from an order denying reargument.

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 held in abeyance and referred to the panel of Justices hearing the appeal for determination upon the argument or submission thereof.

DILLON, J.P., ANGIOLILLO, DICKERSON and ENG, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

July 22, 2009

NATIONWIDE MUTUAL INSURANCE COMPANY v ROGOWSKI