

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

M89958
S/sl

REINALDO E. RIVERA, J.P.
JOSEPH COVELLO
JOHN M. LEVENTHAL
CHERYL E. CHAMBERS, JJ.

2007-00029, 2007-00030, 2007-00031

DECISION & ORDER ON MOTION

Debcon Financial Services, Inc., plaintiff,
v 83-17 Broadway Corp., appellant, et al.,
defendant; Brett Morgan, LLC,
nonparty-respondent.
(Action No. 1)

(Index No. 9555/98)

Debcon Financial Services, Inc., plaintiff,
v 83-17 Broadway Corp., appellant, Demetra
Sirica, et al., defendants; Joseph Noormand,
et al., nonparty-respondents.
(Action No. 2)

(Index No. 21257/98)

Motion by the nonparty-respondent Joseph Noormand on appeals from three orders of the Supreme Court, Queens County, all entered November 22, 2006, which were determined by decision and order of this court dated April 14, 2009, to reargue the appeals to the extent that the decision and order of this court directed that he pay costs.

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

ORDERED that the motion is granted, and upon reargument, the decision and order dated April 14, 2009, is amended by:

July 28, 2009

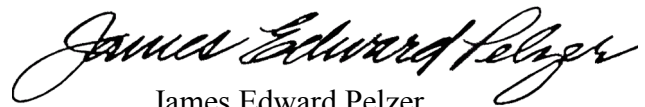
Page 1.

DEBCON FINANCIAL SERVICES, INC. v 83-17 BROADWAY CORP.

- (1) deleting the fourth decretal paragraph thereof;
- (2) adding to the first decretal paragraph thereof after the words “dismissed as abandoned” the words “,without costs or disbursements”;
- (3) adding to the second decretal paragraph thereof after the words “insofar as appealed from” the words “,without costs or disbursements”;
- (4) adding to the third decretal paragraph thereof after the words “for further proceedings” the words “,without costs or disbursements.”, and
- (5) by deleting from the third decretal paragraph thereof the words “;and it is further,”.

RIVERA, J.P., COVELLO, LEVENTHAL and CHAMBERS, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court