

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

M90151
J/sl

A. GAIL PRUDENTI, P.J.
MARK C. DILLON
JOSEPH COVELLO
JOHN M. LEVENTHAL, JJ.

2008-08661

DECISION & ORDER ON MOTION

Kristopher Kohl, appellant, v American Transit
Insurance Company, respondent.

(Index No. 9034/08)

On the court's own motion, it is

ORDERED that its decision and order on motion dated June 22, 2009, in the above-entitled case is recalled and vacated, and the following decision and order on motion is substituted therefor:

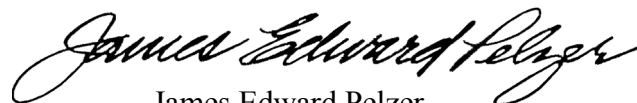
Motion by the *appellant* for leave to reargue an appeal from an order of the Supreme Court, Kings County, dated July 30, 2008, which was determined by decision and order of this court dated February 24, 2009, or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this court.

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 \$100 costs.

PRUDENTI, P.J., DILLON, COVELLO and LEVENTHAL, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

July 30, 2009

KOHL v AMERICAN TRANSIT INSURANCE COMPANY