

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

M90616  
E/sl

WILLIAM F. MASTRO, J.P.  
THOMAS A. DICKERSON  
ARIEL E. BELEN  
CHERYL E. CHAMBERS, JJ.

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2008-01370

DECISION & ORDER ON MOTION

Gina Rudden, etc., appellant-respondent,  
v Francine Bernstein, et al., defendants, Kaitlin  
Smiraldo, et al., respondents-appellants, Dennis  
Aveta, et al., respondents.

(Index No. 18474-04)

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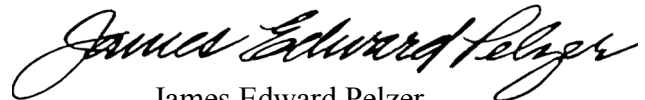
Motion by the appellant-respondent for leave to appeal to the Court of Appeals from a decision and order of this court dated April 14, 2009, which determined an appeal from an order of the Supreme Court, Suffolk County, dated January 2, 2008.

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

ORDERED that the motion is denied.

MASTRO, J.P., DICKERSON, BELEN and CHAMBERS, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

August 11, 2009

RUDDEN v BERNSTEIN