

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

M90623
E/sl

REINALDO E. RIVERA, J.P.
ROBERT A. SPOLZINO
HOWARD MILLER
DANIEL D. ANGIOLILLO, JJ.

2008-05405

DECISION & ORDER ON MOTION

68-49 Woodhaven Boulevard Holding Corp.,
plaintiff-respondent-appellant, v Exxon Mobil
Corporation, f/k/a Mobil Oil Corporation, defendant
third-party plaintiff-appellant-respondent; AC
Woodhaven, Inc., et al., third-party defendants-
respondents-appellants.

(Index No. 1353/05)

Motion by 68-49 Woodhaven Boulevard Holding Corp., AC Woodhaven, Inc., Woodhaven Realty Corp., and Adelmo Cioffi for leave to reargue an appeal and cross appeal from a judgment of the Supreme Court, Queens County, entered April 25, 2008, which were determined by decision and order of this court dated April 21, 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.

RIVERA, J.P., SPOLZINO, MILLER and ANGIOLILLO, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

August 11, 2009

68-49 WOODHAVEN BOULEVARD HOLDING CORP. v EXXON MOBIL
CORPORATION, f/k/a MOBIL OIL CORPORATION