

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

M91210  
E/sl

A. GAIL PRUDENTI, P.J.  
WILLIAM F. MASTRO  
STEVEN W. FISHER  
RUTH C. BALKIN, JJ.

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2006-09040

DECISION & ORDER ON MOTION

State Farm Mutual Automobile Insurance  
Company, respondent, v John Robert Langan,  
etc., appellant.

(Index No. 15384/02)

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Motion by the appellant for leave to appeal to the Court of Appeals pursuant to CPLR 5602(b)(1) from the opinion and order of this court dated September 16, 2008, which modified an order of the Supreme Court, Nassau County, entered August 10, 2006, and separate motion by the respondent for the same relief

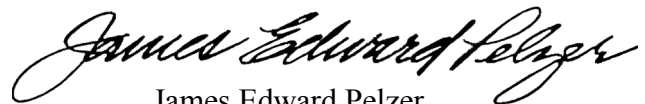
Upon the papers filed in support of the motions, and no papers having been filed in opposition or in relation thereto, it is

ORDERED that the motions are granted, and the following question is certified to the Court of Appeals: Was the opinion and order of this court dated September 16, 2008, properly made?

Questions of law have arisen, which, in our opinion, ought to be reviewed by the Court of Appeals (*see* CPLR 5713).

PRUDENTI, P.J., MASTRO, FISHER and BALKIN, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

August 25, 2009

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY v LANGAN