

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

M91375  
E/sl

ROBERT A. SPOLZINO, J.P.  
MARK C. DILLON  
HOWARD MILLER  
DANIEL D. ANGIOLILLO, JJ.

---

2007-08011

DECISION & ORDER ON MOTION

East Acupuncture, P.C., appellant,  
v New York State Insurance Department,  
et al., respondents.

(Index No. 1614/07)

---

Motion by the appellant, in effect, to recall and vacate so much of a decision and order on motion of this court, entitled "In the Matter of the Dismissal of Causes for Failure to Perfect - May 2008 Calendar," dated June 18, 2008, as dismissed an appeal from an order of the Supreme Court, Kings County, dated June 27, 2007, pursuant to 22 NYCRR 670.8(e) for failure to timely perfect the same, to reinstate the appeal, and to enlarge the time to perfect the appeal.

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

ORDERED that the motion is denied.

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

ENTER:



James Edward Pelzer  
Clerk of the Court

August 28, 2009

EAST ACUPUNCTURE, P.C. v NEW YORK STATE INSURANCE DEPARTMENT