

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

M92480  
E/sl

ROBERT A. SPOLZINO, J.P.  
DANIEL D. ANGIOLILLO  
THOMAS A. DICKERSON  
L. PRISCILLA HALL, JJ.

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2008-03765

DECISION & ORDER ON MOTION

In the Matter of Margaret A. Kearney, respondent,  
v Richard Kita, et al., appellants.

(Index No. 18678/07)

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Motion by the respondent for leave to reargue an appeal from a judgment of the Supreme Court, Nassau County, entered April 15, 2008, which was determined by decision and order of this court dated May 26, 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.

SPOLZINO, J.P., ANGIOLILLO, DICKERSON and HALL, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

September 28, 2009

MATTER OF KEARNEY v KITA