

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

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CA 09-00187

PRESENT: SMITH, J.P., PERADOTTO, CARNI, PINE, AND GORSKI, JJ.

CONWAY BEAM LEASING, INC., PLAINTIFF-RESPONDENT,

V

ORDER

SHERMAR, INC., DEFENDANT-APPELLANT,
ET AL., DEFENDANTS.

ANN W. MANION, UTICA, FOR DEFENDANT-APPELLANT.

KENNETH D. LICHT, ROCHESTER (KEITH E. O'TOOLE OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Monroe County
(Thomas A. Stander, J.), entered April 28, 2008. The order denied
the motion of defendant Shermar, Inc. seeking leave to reargue its
opposition to plaintiff's motion for summary judgment.

It is hereby ORDERED that said appeal is unanimously dismissed
without costs (*see Empire Ins. Co. v Food City*, 167 AD2d 983, 984).

Entered: February 11, 2010

Patricia L. Morgan
Clerk of the Court