

Get Entered Order

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At an I.A.S. Trial Term, Part ³⁵ of the Supreme Court of the State of New York, held in and for the County of Kings, at the Courthouse, located at Civic Center, Borough of Brooklyn, City and State of New York, on the 16 day of November 20 09

P R E S E N T :

Hon. Rothenberg
Justice

Ernesto Delacruz et al.
- against -

Plaintiff(s)

Cal. No. #10

Index No. 5060/07

JAIME E FREY PASATO Coronie/ et al.
Defendant(s)

The following papers numbered 1 to read on this motion	Papers Numbered
Notice of Motion - Order to Show Cause and Affidavits (Affirmations) Annexed	
Answering Affidavit (Affirmation)	
Reply Affidavit (Affirmation)	
_____ Affidavit (Affirmation)	
Pleadings - Exhibits	
Stipulations - Minutes	
Filed Papers	

After oral argument, Plaintiff's Motion to Reargue dated 7/28/09 is granted. & The complaint is reinstated. The prior order of J. Ambrosia is vacated. Triable issues of fact exist as to whether Plaintiff sustained a serious injury pursuant to Ins. Law § 5102(d).

For Clerks use only

MG

MD

Motion Seq. #

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EJV-rev 11-04

E N T E R

J.S.C.

Karen B. Rothenberg
Justice, Supreme Court