

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

D12944
G/cb

_____AD3d_____

Submitted - November 20, 2006

THOMAS A. ADAMS, J.P.
DAVID S. RITTER
STEVEN W. FISHER
JOSEPH COVELLO, JJ.

2005-09960

DECISION & ORDER

Adeline Latopolski, etc., appellant, v William John
Rudge IV, etc., et al., respondents.

(Index No. 31370/02)

Greshin, Ziegler & Amicizia, LLP, Smithtown, N.Y. (Vincent M. Amicizia of
counsel), for appellant.

Brody, O'Connor & O'Connor, Northport, N.Y. (Scott A. Brody of counsel), for
respondents.

In an action, inter alia, to set aside a deed on the grounds of forgery and undue
influence, the plaintiff appeals, as limited by her brief, from so much of an order of the Supreme
Court, Suffolk County (Werner, J.), entered August 31, 2005, as denied her motion for leave to
renew and reargue her prior cross motion for summary judgment.

ORDERED that the appeal from so much of the order as denied that branch of the
plaintiff's motion which was for leave to reargue is dismissed, as no appeal lies from an order denying
reargument; and it is further,

ORDERED that the order is affirmed insofar as reviewed; and it is further,

ORDERED that one bill of costs is awarded to the defendants.

December 5, 2005

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The appeal from so much of the order entered August 31, 2005, as denied that branch of the plaintiff's motion which was for leave to reargue must be dismissed, as no appeal lies from an order denying reargument (*see Matter of Insurance Co. of State of Pa. v Dentale*, 32 AD3d 854).

The denial of renewal was proper since no new facts were asserted (*see O'Connell v Post*, 27 AD3d 631).

ADAMS, J.P., RITTER, FISHER and COVELLO, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court