

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

D14626
X/cb

_____AD3d_____

Submitted - March 7, 2006

WILLIAM F. MASTRO, J.P.
DAVID S. RITTER
PETER B. SKELOS
EDWARD D. CARNI
WILLIAM E. McCARTHY, JJ.

2006-08556

DECISION & ORDER

Richard Stone, appellant, v Norman Stone, respondent,
et al., defendants.

(Index No. 7141/79)

Gustave J. Detraglia, Jr., Utica, N.Y., for appellant.

Marshall L. Goldstein, White Plains, N.Y., for respondent.

In an action, inter alia, for the dissolution of a partnership, the plaintiff appeals from an order of the Supreme Court, Westchester County (Rudolph, J.), entered August 8, 2006, which denied his motion to vacate an order and judgment (one paper) of the same court (Burrows, J.), entered October 11, 1994, among other things, granting the motion of the defendant Norman Stone to confirm the findings of a referee, and to vacate a judgment of the same court (Burrows, J.), entered January 9, 1995, which was in favor of the defendant Norman Stone and against the plaintiff in the principal sum of \$28,788.63.

ORDERED that the order is affirmed, with costs.

The plaintiff's contentions were previously raised and decided against him, or could have been raised on a prior appeal in this matter (*see Stone v Stone*, 19 AD3d 404). "Therefore, reconsideration of these issues is barred by the doctrine of law of the case" (*Matter of Suzuki-Peters v Peters*, _____AD3d_____ [2d Dept, Feb. 20, 2007], quoting *Palumbo v Palumbo*, 10 AD3d 680; *see Matter of Shondell J. v Mark D.*, 18 AD3d 551, *affd* 7 NY3d 320; *Jacobs v Macy's E. Inc.*, 17 AD3d 318, 319).

April 3, 2007

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We decline the respondent's request to impose sanctions against the plaintiff (*see* 22 NYCRR 130-1.1[a]).

MASTRO, J.P., RITTER, SKELOS, CARNI and McCARTHY, 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