

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

D15639
C/cb

_____AD3d_____

Submitted - May 10, 2007

REINALDO E. RIVERA, J.P.
ROBERT A. SPOLZINO
ANITA R. FLORIO
DANIEL D. ANGIOLILLO, JJ.

2006-08890

DECISION & ORDER

Elisa Gfellner, respondent, v Georal International,
Ltd., et al., defendants, S.O.S. Plumbing & Heating,
Ltd., appellant.

(Index No. 29256/03)

Milber Makris Plousadis & Seiden, LLP, Woodbury, N.Y. (Lorin A. Donnelly of
counsel), for appellant.

In an action to recover damages for personal injuries, the defendant S.O.S. Plumbing & Heating, Ltd., appeals from an order of the Supreme Court, Queens County (Flug, J.), dated July 13, 2006, which granted the plaintiff's motion for reargument, and upon reargument, denied its prior motion, inter alia, for summary judgment dismissing the complaint insofar as asserted against it, with leave to renew upon the completion of discovery.

ORDERED that the order is affirmed, without costs or disbursements.

Under the facts of this case, upon reargument, the Supreme Court properly denied the appellant's prior motion, inter alia, for summary judgment dismissing the complaint insofar as asserted against it, with leave to renew upon the completion of discovery (*see Amico v Melville Volunteer Fire Co.*, 39 AD3d 784; *Hernandez v City of New York*, 35 AD3d 812; *Olmedo-Garcia v Dobson*, 31 AD3d 727, 728; *Peppas v City of New York*, 6 AD3d 596).

The appellant's remaining contentions are without merit.

RIVERA, J.P., SPOLZINO, FLORIO and ANGIOLILLO, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive style with a large, looping initial "J".

James Edward Pelzer
Clerk of the Court