

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

D16693
O/cb

_____AD3d_____

Submitted - October 2, 2007

ROBERT W. SCHMIDT, J.P.
STEVEN W. FISHER
ROBERT A. LIFSON
EDWARD D. CARNI, JJ.

2006-09293

DECISION & ORDER

In the Matter of James Rush, appellant, v
County of Nassau, et al., respondents.

(Index No. 6406-04)

Harold Chetrick, P.C., New York, N.Y., for appellant.

Lorna B. Goodman, County Attorney, Mineola, N.Y. (Karen Hutson of counsel), for
Nassau County respondents.

Miranda Sokoloff Sambursky Slone Verveniotis, LLP, Mineola, N.Y. (Steven C.
Stern and Kiera J. Meehan of counsel), for respondents City of Glen Cove and Glen
Cove Police Department.

In a proceeding for leave to serve a late notice of claim pursuant to General Municipal
Law § 50-e, the petitioner appeals, as limited by his brief, from so much of an order of the Supreme
Court, Nassau County (Woodard, J.), dated July 25, 2006, as denied that branch of his motion which
was, in effect, for leave to renew (a) those branches of his petition which were for leave to serve a
late notice of claim with respect to causes of action alleging false arrest and false imprisonment, which
had been denied in a prior order of the same court dated August 10, 2004, and (b) that branch of his
prior motion which was for leave to renew the same branches of the petition, which had been denied
in a prior order of the same court dated December 22, 2004.

October 30, 2007

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ORDERED that the order dated July 25, 2006, is affirmed insofar as appealed from, with one bill of costs payable to the respondents appearing separately and filing separate briefs.

A motion for leave to renew must be “based upon new facts not offered on the prior motion that would change the prior determination” and must “contain reasonable justification for the failure to present such facts on the prior motion” (CPLR 2221[e]). The petitioner failed to provide any reasonable justification for his failure to present the alleged new facts in support of his original petition. Therefore, the court properly denied leave to renew (*see Clemente v Carl Bongiorno & Sons, Inc.*, 39 AD3d 688; *Beyl v Franchini*, 37 AD3d 505, 506; *Veitsman v G&M Ambulette Serv., Inc.*, 35 AD3d 848; *Companion Life Ins. Co. v All State Abstract Corp.*, 35 AD3d 519, 522).

The petitioner’s remaining contentions are without merit.

SCHMIDT, J.P., FISHER, LIFSON and CARNI, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court