

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

D17788
C/prt

_____AD3d_____

Submitted - November 27, 2007

DAVID S. RITTER, J.P.
ANITA R. FLORIO
WILLIAM E. McCARTHY
THOMAS A. DICKERSON, JJ.

2006-05088

DECISION & ORDER

Hilda Osborne, respondent,
v Martha Evans, appellant.

(Index No. 6154/04)

Martha Evans, St. Albans, N.Y., appellant pro se.

Mordente Law Firm, LLC, Fresh Meadows, N.Y. (Anthony R. Mordente of counsel),
for respondent.

In an action to enforce an easement over real property, the defendant appeals from an order of the Supreme Court, Queens County (Rosengarten, J.), entered April 19, 2006, which denied her motion for leave to renew her opposition to the plaintiff's motion for summary judgment which was granted by order of the same court dated October 12, 2004.

ORDERED that the order is affirmed, with costs.

While the defendant presented new evidence in support of her motion for leave to renew, a motion for leave to renew should be denied unless the moving party offers a reasonable justification as to why the new facts were not submitted on the prior motion. Here, the Supreme Court properly denied the defendant's motion, as the justification offered by the defendant was not reasonable (*see* CPLR 2221[e][2], [3]; *Perez v Muller Mach. Co., Inc.*, 19 AD3d 468, 469; *Baker v Monarch Life Ins. Co.*, 12 AD3d 630).

RITTER, J.P., FLORIO, McCARTHY and DICKERSON, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

January 29, 2008

OSBORNE v EVANS