

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

D18024  
G/kmg

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Submitted - January 16, 2008

ROBERT A. SPOLZINO, J.P.  
FRED T. SANTUCCI  
MARK C. DILLON  
RUTH C. BALKIN, JJ.

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2007-04113

DECISION & ORDER

Anthony R. Bryant, appellant,  
v County of Suffolk, et al., respondents.

(Index No. 12273/97)

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Andrew J. Schatkin, Jericho, N.Y., for appellant.

Christine Malafi, County Attorney, Hauppauge, N.Y. (Kelly Green of counsel), for respondents County of Suffolk and Suffolk County Police Department.

Davis & Hersh, LLP, Islandia, N.Y. (Harry D. Hersh of counsel), for respondents William G. Bilello and David A. Verelli.

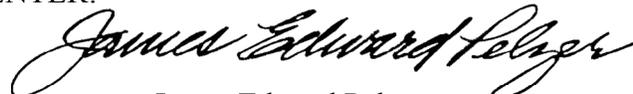
In an action, inter alia, to recover damages for false arrest and unlawful imprisonment, the plaintiff appeals from an order of the Supreme Court, Suffolk County (Baisley, Jr., J.), dated October 10, 2006, which denied his motion to restore the action to the trial calendar.

ORDERED that the appeal is dismissed, with one bill of costs.

The plaintiff's motion, although denominated as a "motion to restore," was, in actuality, a motion for leave to reargue since it was virtually identical to his prior motion to restore, which had been denied in an order of the same court dated April 17, 2006 (*see generally Johnson v Ford*, 33 AD3d 529). The denial of a motion for leave to reargue is not appealable (*see CPI Contr., Inc. v Expert Elec., Inc.*, 36 AD3d 582; *Rivera v Toruno*, 19 AD3d 473, 474). Accordingly, the appeal must be dismissed.

SPOLZINO, J.P., SANTUCCI, DILLON and BALKIN, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

February 13, 2008

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