

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

D21162
Y/prt

_____AD3d_____

Submitted - October 8, 2008

ROBERT A. SPOLZINO, J.P.
FRED T. SANTUCCI
HOWARD MILLER
THOMAS A. DICKERSON
RANDALL T. ENG, JJ.

2007-11296

DECISION & ORDER

Richard Letts, et al., plaintiffs, v
Theresa Bleichner, et al., defendants.
(Action No. 1)

Richard Letts, et al., appellants, v
Michael J. Maguire, et al., respondents.
(Action No. 2)

(Index Nos. 6917/03, 4546/04)

Dupée & Monroe, P.C., Goshen, N.Y. (Peter W. Green of counsel), for appellants.

James R. McCarl, Montgomery, N.Y. (Betsy N. Abraham of counsel), for respondents.

In related actions to recover damages for personal injuries, etc., the plaintiffs appeal from an order of the Supreme Court, Orange County (McGuirk, J.), dated October 25, 2007, which denied their motion in Action No. 2 for leave to renew that branch of their prior motion which was for summary judgment against the defendants Michael J. Maguire and Michael Maguire on the issue of liability, which had been denied, as academic, in an order dated September 8, 2006, and for leave to renew their opposition to the defendants' cross motion for summary judgment dismissing the complaint on the ground that the plaintiff Richard Letts did not sustain a serious injury within the meaning of Insurance Law § 5102(d), which had been granted in the order dated September 8, 2006.

ORDERED that the appeal is dismissed as academic, without costs or disbursements,

November 18, 2008

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in light of our determination in the companion appeal (*see Letts v Bleichner*, _____AD3d_____, 2008 NY Slip Op _____ [Appellate Division Docket Nos. 2006-11189, 2007-01671, decided herewith]).

SPOLZINO, J.P., SANTUCCI, MILLER, DICKERSON and ENG, 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