

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

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Argued - October 3, 2008

WILLIAM F. MASTRO, J.P.
PETER B. SKELOS
RUTH C. BALKIN
CHERYL E. CHAMBERS, JJ.

2007-05177

DECISION & ORDER

Rebecca Pantaleo, etc., et al., appellants, v New
Image Gymnastic Academy, Inc., d/b/a New Image
Gymnastics, et al., respondents.

(Index No. 15888/03)

Decolator, Cohen & DiPrisco, LLP, Garden City, N.Y. (John V. Decolator of
counsel), for appellants.

Havkins Rosenfeld Ritzert & Varriale, LLP, Mineola, N.Y. (Steven H. Rosenfeld and
Ranee H. Arem of counsel), for respondent New Image Gymnastic Academy, Inc.,
d/b/a New Image Gymnastics.

John T. Ryan, Riverhead, N.Y. (Robert F. Horvat of counsel), for respondent Deary's
Gymnastics.

In an action to recover damages for personal injuries, etc., the plaintiffs appeal from
an order of the Supreme Court, Suffolk County (R. Doyle, J.), dated April 23, 2007, which granted
the separate motions of the defendants for summary judgment dismissing the complaint insofar as
asserted against each of them.

ORDERED that the order is affirmed, with one bill of costs.

December 16, 2008

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d/b/a NEW IMAGE GYMNASTICS

The defendants established their prima facie entitlement to summary judgment dismissing the complaint insofar as asserted against each of them. In opposition, the plaintiffs failed to raise a triable issue of fact.

MASTRO, J.P., SKELOS, BALKIN and CHAMBERS, 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