

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

D23633
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_____AD3d_____

Submitted - May 12, 2009

REINALDO E. RIVERA, J.P.
HOWARD MILLER
RUTH C. BALKIN
LEONARD B. AUSTIN, JJ.

2008-03215

DECISION & ORDER

Richard Stone, appellant, v Norman Stone,
respondent.

(Index No. 7141/79)

Richard Stone, Utica, N.Y., appellant pro se.

Marshall L. Goldstein, White Plains, N.Y., for respondent.

In an action, inter alia, for the dissolution of a partnership, the plaintiff appeals from an order of the Supreme Court, Westchester County (Rudolph, J.), entered March 13, 2008, which denied his motion to vacate a judgment of the same court (Burrows, J.), entered January 9, 1995, which was in favor of the defendant Norman Stone and against him in the principal sum of \$28,788.63.

ORDERED that the order is affirmed, with costs.

The plaintiff's contentions were previously raised and decided against him on prior appeals in this matter (*see Stone v Stone*, 39 AD3d 534; *Stone v Stone*, 19 AD3d 404; *Stone v Stone*, 229 AD2d 388). Therefore, reconsideration of these issues is barred by the doctrine of the law of the case (*see People v Evans*, 94 NY2d 499, 502; *Martin v City of Cohoes*, 37 NY2d 162, 165; *Marcus Dairy, Inc. v Jacene Realty Corp.*, 27 AD3d 427; *Purpura v Purpura*, 21 AD3d 542).

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STONE v STONE

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We decline the defendant's request to impose sanctions against the plaintiff (*see* 22 NYCRR 130-1.1[a]).

RIVERA, J.P., MILLER, BALKIN and AUSTIN, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive style with a large, looping initial "J".

James Edward Pelzer
Clerk of the Court