

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

M246580
E/afa

RUTH C. BALKIN, J.P.
L. PRISCILLA HALL
HECTOR D. LASALLE
BETSY BARROS, JJ.

2014-09087

DECISION & ORDER ON MOTION

Lilya Andryeyeva, individually and on behalf
of all others similarly situated, et al., respondents,
v New York Health Care, Inc., doing business as
New York Home Attendant Agency, et al.,
appellants.

(Index No. 14309/11)

Motion by the appellants for leave to reargue an appeal from a order of the Supreme Court, Kings County, dated September 16, 2014, which was determined by decision and order of this Court dated September 13, 2017, or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court. Motion by Urban Justice Center for leave to file papers in opposition to the appellants' motion, as amicus curiae. Separate motion by State of New York for leave to file papers in support of the appellants' motion, as amicus curiae.

Upon the papers filed in support of the appellants' motion and the papers filed in opposition and in relation thereto, upon the papers filed in support of Urban Justice Center's motion and the papers filed in opposition thereto, and upon the papers filed in support of State of New York's motion and the papers filed in opposition thereto, it is

ORDERED that the motions by Urban Justice Center and State of New York are granted, and the papers filed by the amici curiae have been considered in connection with the appellants' motion; and it is further,

ORDERED that the branch of the motion which is for leave to reargue the appeal is denied; and it is further,

ORDERED that the branch of the motion which is for leave to appeal to the Court of Appeals from the decision and order of this Court dated September 13, 2017, is granted, and the following question is certified to the Court of Appeals: Was the decision and order of this Court

March 7, 2018

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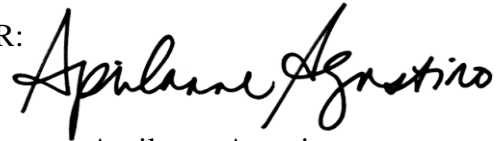
ANDRYEYeva, individually and on behalf of all others similarly situated v NEW YORK
HEALTH CARE, INC., doing business as NEW YORK HOME ATTENDANT AGENCY

dated September 13, 2017, properly made?

Questions of law have arisen, which, in our opinion, ought to be reviewed by the Court of Appeals (*see* CPLR 5713).

BALKIN, J.P., HALL, LASALLE and BARROS, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "Aprilanne Agostino". The signature is written in a cursive, flowing style.

Aprilanne Agostino
Clerk of the Court