

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

M246586
E/rr

RUTH C. BALKIN, J.P.
L. PRISCILLA HALL
SANDRA L. SGROI
BETSY BARROS, JJ.

2015-06013, 2015-11787

DECISION & ORDER ON MOTION

Adriana Moreno, individually and on behalf
of all others similarly situated, et al., appellants,
v Future Care Health Services, Inc., et al.,
respondents.

(Index No. 500569/13)

Motion by the respondents for leave to reargue appeals from two orders of the Supreme Court, Kings County, dated April 24, 2015, and October 27, 2015, respectively, which were 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 respondents' motion, as amicus curiae. Separate motion by State of New York for leave to file papers in support of the respondents' motion, as amicus curiae.

Upon the papers filed in support of the respondents' 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 relation 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 respondents' 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

March 7, 2018

Page 1.

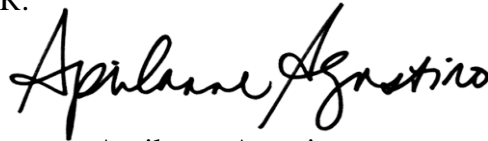
MORENO, individually and on behalf of all others similarly situated v
FUTURE CARE HEALTH SERVICES, INC.

following question is certified to the Court of Appeals: Was the decision and order of this Court 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, SGROI 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