

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

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MARK C. DILLON, J.P.
ROBERT J. MILLER
SYLVIA O. HINDS-RADIX
FRANCESCA E. CONNOLLY, JJ.

2014-10851, 2015-02661, 2015-07306

DECISION & ORDER ON MOTION

Nelson Poalacin, appellant, v Mall Properties, Inc., et al., defendants second/third third-party plaintiffs-respondents, Weather Champions, Ltd., defendant third-party plaintiff-respondent; APCO Insulation Co., Inc., et al., third-party/third third-party defendant-respondent, et al., second third-party defendant. (Appeal No. 1)

Nelson Poalacin, appellant-respondent, v Mall Properties, Inc., et al., defendants second/third third-party plaintiffs-respondents-appellants, Weather Champions, Ltd., defendant third-party plaintiff-respondent-appellant; APCO Insulation Co., Inc., third-party/third third-party defendant-respondent-appellant; Harleysville Insurance, second third-party defendant-respondent-appellant. (Appeal No. 2)

Nelson Poalacin, appellant, v Mall Properties, Inc., et al., defendants, Weather Champions, Ltd., respondent (and third-party actions). (Appeal No. 3)

(Index No. 700446/12)

Motion by Mall Properties, Inc., KMO-361 Realty Associates, LLC, the Gap, Inc., and James Hunt Construction for leave to reargue stated portions of appeals and cross appeals from three orders of the Supreme Court, Queens County, dated October 1, 2014, January 23, 2015, and August 5, 2015, respectively, which were determined by decision and order of this Court dated

November 15, 2017, or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court. Separate motion by Weather Champions, Ltd., for leave to reargue the appeals and cross appeals.

Upon the papers filed in support of the motions and the papers filed in opposition thereto, it is

ORDERED that the motions are denied.

DILLON, J.P., MILLER, HINDS-RADIX and CONNOLLY, 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