

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

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CA 14-01449

PRESENT: SMITH, J.P., PERADOTTO, LINDLEY, VALENTINO, AND WHALEN, JJ.

LAURIE R. MILLER AND GEORGE K. MILLER, DOING
BUSINESS AS PINE HILL STABLES,
PLAINTIFFS-RESPONDENTS,

V

MEMORANDUM AND ORDER

DORIS LUDWIG, ET AL., DEFENDANTS,
AND MARY MORRISON, DEFENDANT-APPELLANT.

LAW OFFICE OF TONIE M. FRANZESE, P.C., NORTHVILLE, MICHIGAN (TONIE M. FRANZESE, OF THE MICHIGAN AND CALIFORNIA BARS, ADMITTED PRO HAC VICE, OF COUNSEL), FOR DEFENDANT-APPELLANT.

CHRISTOPHER C. SHAMBO, BALLSTON SPA (ALEXANDER PHENGSIAROUN OF COUNSEL), FOR PLAINTIFFS-RESPONDENTS.

Appeal from an order of the Supreme Court, Steuben County (Joseph W. Latham, A.J.), dated March 28, 2014. The order, in essence, denied the motion of defendant Mary Morrison for leave to reargue a prior motion to dismiss.

It is hereby ORDERED that said appeal is unanimously dismissed without costs.

Memorandum: Although defendant-appellant purports to appeal from an order denying a motion to dismiss, the record establishes that she is actually appealing from an order denying a motion for leave to reargue a prior motion to dismiss. It is well settled that no appeal lies from an order denying a motion for leave to reargue (see *MidFirst Bank v Storto*, 121 AD3d 1575, 1575; *Britt v Buffalo Mun. Hous. Auth.*, 115 AD3d 1252, 1252).

Entered: March 20, 2015

Frances E. Cafarell
Clerk of the Court