

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

1257

CA 13-01002

PRESENT: SMITH, J.P., FAHEY, CARNI, VALENTINO, AND WHALEN, JJ.

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BEIT SHALOM, INC. AND STEPHEN GALILEY,  
PLAINTIFFS-RESPONDENTS,

V

ORDER

VERIZON NEW YORK, INC., NEW YORK TELEPHONE CO.,  
INC., VERIZON COMMUNICATION, INC.,  
DEFENDANTS-APPELLANTS,  
ET AL., DEFENDANTS.

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SMITH, SOVIK, KENDRICK & SUGNET, P.C., SYRACUSE (BRADY J. O'MALLEY OF  
COUNSEL), FOR DEFENDANTS-APPELLANTS.

DAVID G. GOLDBAS, UTICA, FOR PLAINTIFFS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Oneida County  
(Bernadette T. Clark, J.), entered February 6, 2013. The order  
granted the motion of plaintiffs for leave to reargue their opposition  
to that part of the cross motion of defendants Verizon New York, Inc.,  
New York Telephone Co., Inc. and Verizon Communication, Inc. to  
dismiss the first cause of action and, upon reargument, denied the  
cross motion with respect to that cause of action.

It is hereby ORDERED that the order so appealed from is  
unanimously affirmed without costs.

Entered: December 27, 2013

Frances E. Cafarell  
Clerk of the Court