

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF _____

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Plaintiff,

Index No.: _____

-against-

RENEWAL ORDER

Defendant.

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J.:

Plaintiff / Defendant moves by Order to Show Cause for an order pursuant to CPLR §2221 granting leave to renew the court's prior order dated _____. *Plaintiff / Defendant* opposes the motion.

CPLR §2221 governs motions affecting prior orders. In a motion for renewal, a party must present material facts which exist at the time the prior motion was made which were not then known. *Foley v. Roche*, 68 A.D.2d 558 (1st Dept. 1979). In the present application, the *plaintiff / defendant* requests an order granting renewal. The *plaintiff / defendant* offers no new proof upon which to base this request, but rather, seeks to convince the court to re-consider the issues and arguments presented under the original motion. Accordingly, pursuant to CPLR §2221, the motion for renewal is denied.

This constitutes the decision and order of the court.

Dated: _____

Justice Supreme Court

**Renewal Order
September 2004**