

Hamway v Sutton

Motion No: 2022-04816 2022-04659

Slip Opinion No: 2023 NY Slip Op 61322(U)

Decided on January 31, 2023

Appellate Division, First Department, Motion Decision

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Judiciary Law § 431.

This motion is uncorrected and is not subject to publication in the
Official Reports.

Supreme Court of the State of New York
Appellate Division, First Judicial Department

Present – Hon. Dianne T. Renwick,
Cynthia S. Kern
Peter H. Moulton
Manuel J. Mendez
Bahaati E. Pitt-Burke,

Justice Presiding,

Justices.

Frieda Hamway, et al.,
Plaintiffs-Respondents,

-against-

Motion Nos. 2022-04816
2022-04659
Index No. 653336/15
Case No. 2022-00267

Issac Sutton,
Defendant-Appellant,

Mayer Sutton et al.,
Defendants.

Plaintiffs-respondents having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals from, the decision and order of this Court, entered on November 03, 2022 (Appeal No. 16586) (M-2022-04816), and

Defendant-appellant having moved pursuant to CPLR 5523 for an order compelling plaintiffs to make restitution (M-2022-04659),

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion for reargument or for leave to appeal is denied, and

It is further ordered that the motion for an order of restitution is denied without prejudice to defendant's right to seek such relief before the trial court.

ENTERED: January 31, 2023

A handwritten signature in black ink, appearing to read "Susanna Molina Rojas". The signature is written in a cursive, flowing style.

Susanna Molina Rojas
Clerk of the Court