

SUPREME COURT OF THE STATE OF NEW YORK — NEW YORK COUNTY

PRESENT.

PART 27

Index Number : 602372/2009

RATHER, DAN

VS.

MOONVES, LESLIE

SEQUENCE NUMBER : 001

DISMISS

INDEX NO. _____

MOTION DATE _____

MOTION SEQ. NO. _____

MOTION CAL. NO. _____

s motion to/for _____

PAPERS NUMBERED

Notice of Motion/ Order to Show Cause — Affidavits — Exhibits ...

Answering Affidavits — Exhibits _____

Replying Affidavits _____

Cross-Motion: Yes No

Upon the foregoing papers, It is ordered that this motion

In view of the recision of the
 annulate division, First Department,
 dated 9-29-09,
 the motion to dismiss is granted.

It is so ordered.

ENTER:

FILED
 OCT 06 2009
 COUNTY CLERK'S OFFICE
 NEW YORK

IRA GAMMERMANN

[Signature]
 J.C.C.

Dated: 10/2/09

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION

Check if appropriate: DO NOT POST REFERENCE

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE FOR THE FOLLOWING REASON(S):