

SUPREME COURT - STATE OF NEW YORK
I.A.S. PART 37 - SUFFOLK COUNTY

PRESENT:

COPY

Hon. JOSEPH FARNETI
Acting Justice Supreme Court

MOTION DATE 9-12-12
ADJ. DATE 9-20-12
Mot. Seq. # 015 - MD

HUNTER SPORTS SHOOTING GROUNDS,
INC.

Plaintiff,

- against -

BRIAN X. FOLEY, STEVE FIORE-ROSENFELD, KEVIN T. MCCARRICK, KATHLEEN WALSH, CONNIE KEPERT, CAROL BISSONETTE, and TIMOTHY P. MAZZEI, Constituting the Town Board of the Town of Brookhaven, and the COUNTY OF SUFFOLK, as a necessary party pursuant to Civil Practice Law and Rules 1001 (a),

Defendants.

ANDREW L. CRABTREE, ESQ.
Attorney for Plaintiff
225 Broad Hollow Road, Suite 303
Melville, New York 11747

SINTOW KANFER HOLTZER & MILLUS LLP
Attorney for all Defendants except Suffolk County
575 Lexington Avenue
New York, New York 10022

DENNIS M. COHEN, ESQ.
Attorney for Defendant Suffolk County
100 Veterans Memorial Highway, P.O. Box 6100
Hauppauge, New York 11788

Upon the following papers numbered 1 to 13 read on these motions for leave to reargue; Notice of Motion/ Order to Show Cause and supporting papers 1-6; Notice of Cross Motion and supporting papers ; Answering Affidavits and supporting papers 7-11; Replying Affidavits and supporting papers 12-13; Other ; (~~and after hearing counsel in support and opposed to the motion~~) it is,

ORDERED that this motion by defendant Town Board of the Town of Brookhaven for leave to reargue its prior motion for summary judgment which was denied by Order dated June 21, 2012, is denied.

The request by defendant Town Board of the Town of Brookhaven for leave to reargue is denied as its submissions fail to demonstrate that the Court overlooked or misapprehended the relevant facts or misapplied any controlling principle of law in reaching its determination (*see Mooney v Vecchio*, 305 AD2d 415, 758 NYS2d 506 [2d Dept 2003]; *Foley v Roche*, 68 AD2d 558, 418 NYS2d 588 [1st Dept 1979]).

Dated: December 10, 2012



Hon. Joseph Farneti
Acting Justice Supreme Court



 FINAL DISPOSITION X NON-FINAL DISPOSITION