

SHORT FORM ORDER

SUPREME COURT OF THE STATE OF NEW YORK

PRESENT: HON. DENISE L. SHER
Acting Supreme Court Justice

JPMORGAN CHASE BANK N.A., as acquirer of certain assets of WASHINGTON MUTUAL BANK from the FEDERAL DEPOSIT INSURANCE CORPORATION as acting receiver,

Plaintiff,

- against -

MANDY BAUER, a/k/a MANDY R. BAUER, a/k/a MANDY ROFFE BAUER, individually and d/b/a LLOYD AND MANDY BAUER DDS,

Defendants.

TRIAL/IAS PART 32
NASSAU COUNTY

Index No.: 2868/10
Motion Seq. No.: 02
Motion Date: 11/17/10
XXX

The following papers have been read on this motion:

| | Papers Numbered |
|--|-----------------|
| Notice of Motion, Affirmation and Exhibits | 1 |
| Affirmation in Opposition | 2 |
| Affirmation in Reply and Exhibits | 3 |

Upon the foregoing papers, it is ordered that the motion is decided as follows:

Defendant moves, pursuant to CPLR § 2221(d), for leave to reargue the September 7, 2010 Decision and Order of this Court issued by Acting Supreme Court Justice Denise L. Sher and, upon such re-argument, for an order vacating the September 7, 2010 Order and denying plaintiff's for summary judgment. Plaintiff opposes the motion.

Re-argument is denied as defendant has failed to demonstrate that the Court

misapprehended the facts or misapplied the law. *See* CPLR §2221(d)(2).

This constitutes the Decision and Order of this Court.

ENTER:



DENISE L. SHER
A.J.S.C.
XXX

Dated: Mineola, New York
December 9, 2010

ENTERED
DEC 15 2010
NASSAU COUNTY
COUNTY CLERK'S OFFICE