

SUPREME COURT - STATE OF NEW YORK

PRESENT: HON. R. BRUCE COZZENS, JR.
Justice.

TRIAL/IAS PART 7
NASSAU COUNTY

NEW YORK MERCHANTS PROTECTIVE CO., INC.,
Petitioner(s),

-against-

MOTION #002
INDEX#21660/2008
MOTION DATE:
April 13, 2009

F and F LA PLAZA BAR, INC., HEPOLITA
GERMAN and RAMON FRIAS,
Respondent(s).

The following papers read on this motion:

Notice of Petition.....1
Answering Affidavits.....1

Upon the foregoing papers, it is ordered that the respondent Hepolita German's motion for leave to reargue is determined as hereinafter set forth.

The instant application arises out of this Court's Short Form Order, dated February 24, 2009, which granted the petition to confirm an arbitration award.

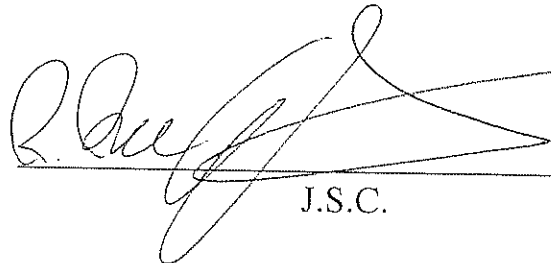
In support of the motion, the respondent maintains that the Court's finding that the respondent did not move to vacate or modify the award was in error, in that the respondent submitted sufficient evidence in opposition to the petition to confirm to allow the Court to vacate the award.

A motion for leave to reargue shall be based upon matters of fact or law allegedly overlooked or misapprehended by the Court in determining the prior motion (CPLR 2221 [d] [2]).

The motion for leave to reargue is granted. Upon reargument the Court adheres to its prior determination.

Dated:

JUN 25 2009



J.S.C.