

SUPREME COURT : STATE OF NEW YORK
COUNTY OF ORANGE

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ALPHA KAPPA ALPHA SORORITY, INC.,

Plaintiff,

-against-

JOY ELAINE DALY,

Defendant.
-----X

To commence the statutory time period for appeals as of right (CPLR 5513[a]) you are advised to serve a copy of this order, with notice of entry, upon all parties.

SHORT FORM ORDER

Index No: 10150-2007

Motion Date: December 1, 2009

HON. JOHN K. MCGUIRK, J.S.C.

The following papers numbered 1 through 12 and the attached exhibits were read on plaintiff's motion for an order permitting reargument or renewal of a prior motion.

Notice of Motion, Affirmation and Affidavits in Support.....	1-9
Memorandum of Law.....	10
Affirmation in Opposition.....	11
Reply Affirmation.....	12

Upon reading the foregoing papers it is

ORDERED the motion to reargue is granted and upon reargument the court adheres to its original determination.

Plaintiff failed to demonstrate the court misapprehended facts or misapplied law.

Plaintiff sues alleging defendant did not properly document her expenses while serving as a regional director of the plaintiff sorority.


Plaintiff reimbursed over \$80,000.00 in expenses to defendant upon request over the course of several years. Plaintiff now seeks to recover approximately \$30,000.00 from defendant claiming defendant failed to properly document those expenses.

The court granted summary judgment to defendant because the complaint does not allege any wrongful conduct on the defendant's part other than a failure to submit documentation which was satisfactory to plaintiff. Plaintiff failed to demonstrate

defendant engaged in fraud, conversion or other wrongful conduct. Plaintiff failed to demonstrate defendant was contractually obligated to submit particular documentation in order to be entitled to reimbursement. Plaintiff failed to demonstrate that defendant was contractually obligated to return expenses if plaintiff later deemed the documentation to be unsatisfactory. In any event, plaintiff failed to demonstrate why it continued to reimburse defendant over the years for expenses defendant submitted in the absence of the documentation it now claims it required.

E N T E R,

Dated: Goshen, New York
March 12, 2010


HON. JOHN K. MCGUIRK, J.S.C.

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