

SUPREME COURT OF THE STATE OF NEW YORK  
NEW YORK COUNTY

PRESENT: ALICE SCHLESINGER  
Justice

PART IA PART 16

Index Number : 402193/2012  
ESPIRITU, DOMINGO  
vs.  
VANCE, CYRUS R.  
SEQUENCE NUMBER : 002  
REARGUMENT/RECONSIDERATION

**FILED**

MAY 31 2013

INDEX NO. \_\_\_\_\_  
MOTION DATE \_\_\_\_\_  
MOTION SEQ. NO. \_\_\_\_\_

The following papers, numbered 1 to \_\_\_\_\_, were read on this \_\_\_\_\_ at the \_\_\_\_\_ COUNTY CLERK'S OFFICE  
NEW YORK

Notice of Motion/Order to Show Cause — Affidavits — Exhibits \_\_\_\_\_ No(s). \_\_\_\_\_  
Answering Affidavits — Exhibits \_\_\_\_\_ No(s). \_\_\_\_\_  
Replying Affidavits \_\_\_\_\_ No(s). \_\_\_\_\_

Upon the foregoing papers, it is ordered that this motion is granted, and this Court's April 12, 2013 decision is modified to provide that petitioner's challenge to respondent's denial of his request for autopsy reports is denied. Initially, this Court granted the petition and directed respondent to provide the autopsy reports at issue in the FOIL request based on County Law §677, which permits disclosure of such reports under certain circumstances. In the instant motion to reargue, respondent notes that the County Law has no application to New York City and that the controlling provision New York City Charter §577 bars such disclosure. Respondent is correct. See Matter of Mitchell v Borakove, 255 AD2d 435 (1st Dept. 1996), app dismissed 88 NY2d 919.

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

Dated: May 29, 2013 MAY 29 2013

Alice Schlesinger, J.S.C.  
**ALICE SCHLESINGER**

1. CHECK ONE: .....  CASE DISPOSED  SUBMIT ORDER
2. CHECK AS APPROPRIATE: ..... MOTION IS:  GRANTED  DENIED  GRANTED IN PART  OTHER
3. CHECK IF APPROPRIATE: .....  SETTLE ORDER  SUBMIT ORDER  
 DO NOT POST  FIDUCIARY APPOINTMENT  REFERENCE