

**Supreme Court of the State of New York**  
**Appellate Division: Second Judicial Department**

D12649  
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Argued - October 12, 2006

ANITA R. FLORIO, J.P.  
GABRIEL M. KRAUSMAN  
WILLIAM F. MASTRO  
JOSEPH COVELLO, JJ.

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2005-11402

DECISION & ORDER

In the Matter of Diane Calabritto, et al., appellants,  
v Kathleen Rice, etc., et al., respondents.

(Index No. 10107/92)

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Louis D. Stober, Jr., LLC, Garden City, N.Y., for appellants.

Snitow Kanfer Holtzer & Millus, LLP, New York, N.Y. (Paul F. Millus of counsel),  
for respondents.

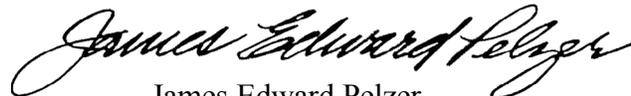
In a proceeding pursuant to CPLR article 78 to review the termination of the petitioners' employment with the Nassau County District Attorney's Office, the petitioners appeal from an order of the Supreme Court, Nassau County (O'Connell, J.), entered October 19, 2005, which denied their motion to re-tax the disbursements included as costs in a judgment dated May 13, 2005.

ORDERED that the order is affirmed, without costs or disbursements.

The Supreme Court properly rejected the petitioners' contentions that the record filed in a prior appeal between the parties contained many unnecessary documents, and that the respondents should have filed a statement in lieu of record on appeal pursuant to CPLR 5527. Accordingly, the petitioners' motion to re-tax the disbursements included as costs in the judgment was correctly denied.

FLORIO, J.P., KRAUSMAN, MASTRO and COVELLO, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

December 12, 2006

MATTER OF CALABRITTO v RICE