

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

D17352
W/cb

_____AD3d_____

Argued - November 30, 2007

WILLIAM F. MASTRO, J.P.
FRED T. SANTUCCI
DANIEL D. ANGIOLILLO
RUTH C. BALKIN, JJ.

2006-09110

DECISION & ORDER

In the Matter of Board of Education of the East
Meadow Union Free School District, East Meadow,
New York, et al., appellants, v East Meadow Teachers
Association, et al., respondents.

(Index No. 6077/06)

Littler Mendelson, P.C., Melville, N.Y. (Craig R. Benson, George Pauta, and
Bertrand B. Pogrebin of counsel), for appellants.

James R. Sandner, New York, N.Y. (Christopher M. Callagy, Richard A. Shane, and
Jennifer N. Coffey of counsel), for respondents.

In a contempt proceeding pursuant to Judiciary Law article 19, the petitioners appeal,
by permission, from so much of an order of the Supreme Court, Nassau County (LaMarca, J.),
entered August 18, 2006, as granted the respondents' motion to dismiss the petition.

ORDERED that the order is affirmed insofar as appealed from, without costs or
disbursements.

Contrary to the petitioners' contention, the Supreme Court correctly determined that
this matter is controlled by the decision in the factually similar case of *County of Nassau v Adjunct
Faculty Assn. of Nassau Community Coll.* (100 AD2d 924, *aff'd* 65 NY2d 672). Thus, the injunction
at issue in this case, which was entered upon a stipulation of the parties executed both in the context

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DISTRICT, EAST MEADOW, NEW YORK v EAST MEADOW TEACHERS ASSOCIATION

of a labor dispute between them and contemporaneously with their resolution of that dispute through a new collective bargaining agreement, expired along with that collective bargaining agreement on August 31, 1993. Accordingly, the injunction could not form the basis for a contempt adjudication in connection with conduct which occurred on March 30, 2006, and the Supreme Court properly granted the respondents' motion to dismiss the petition.

In view of the foregoing, we do not reach the parties' remaining contentions.

MASTRO, J.P., SANTUCCI, ANGIOLILLO and BALKIN, JJ., concur.

ENTER:

A handwritten signature in cursive script that reads "James Edward Pelzer".

James Edward Pelzer
Clerk of the Court