

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

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_____AD3d_____

Submitted - September 28, 2007

REINALDO E. RIVERA, J.P.
JOSEPH COVELLO
DANIEL D. ANGIOLILLO
THOMAS A. DICKERSON, JJ.

2005-11344

DECISION & ORDER

Marino Mazzei, respondent, v Antonio Licciardi,
defendant, Adele Licciardi, appellant.

(Index No. 20778/04)

Caruso, Caruso & Branda, P.C., Brooklyn, N.Y. (Mark J. Caruso and Grace M. Borrino of counsel), for appellant.

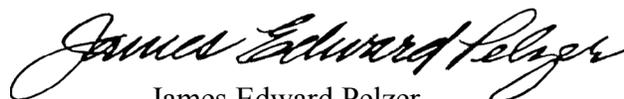
John P. Gulino, P.C. (Arnold E. DiJoseph, P.C., New York, N.Y. [Arnold E. DiJoseph III] of counsel), for respondent.

In an action to foreclose a mortgage, the defendant Adele Licciardi appeals, as limited by her brief, from so much of an order of the Supreme Court, Kings County (Ruditzky, J.), dated October 14, 2005, as granted those branches of the plaintiff's motion which were to strike the answer insofar as asserted by her and for summary judgment on the complaint insofar as asserted against her, and denied her cross motion for leave to serve an amended answer.

ORDERED that the appeal from the order dated October 14, 2005, is dismissed, without costs or disbursements, as that order was superseded and rendered academic by an order of the same court dated June 21, 2006, made upon reargument (*see Mazzei v Licciardi*, _____AD3d _____ [Appellate Division Docket No. 2006-07364, decided herewith]).

RIVERA, J.P., COVELLO, ANGIOLILLO and DICKERSON, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

January 22, 2008

MAZZEI v LICCIARDI