

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

D19528
O/kmg

_____AD3d_____

Submitted - April 15, 2008

ANITA R. FLORIO, J.P.
HOWARD MILLER
MARK C. DILLON
WILLIAM E. McCARTHY, JJ.

2007-01126
2007-05126

DECISION & ORDER

In the Matter of Unsafe Building and
Structure at 1330 Blake Avenue,
Brooklyn, NY.
City of New York, respondent; Jerry Castelle, appellant.

(Index No. 27223/06)

Jerry Castelle, Old Bethpage, N.Y., appellant pro se.

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Pamela Seider Dolgow
and Suzanne K. Colt of counsel), for respondent.

In an unsafe building proceeding pursuant to the Administrative Code of the City of New York § 26-235, Jerry Castelle appeals from (1) an order of the Supreme Court, Kings County (Jackson, J.), dated January 11, 2007, which denied his motion to vacate an order of the same court, dated November 2, 2006, entered upon his default, directing the Superintendent of Buildings for the Borough of Brooklyn to demolish an unsafe building owned by him, and (2) an order of the same court dated April 24, 2007, which, upon renewal, adhered to the original determination.

ORDERED that the appeals are dismissed, as academic, without costs or disbursements.

Here, the building which was the subject of these proceeding has been demolished. Consequently, the appeals have been rendered academic, and this matter does not warrant invoking

June 3, 2008

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MATTER OF UNSAFE BUILDING AND STRUCTURE
AT 1330 BLAKE AVENUE, BROOKLYN, NY.

the exception to the mootness doctrine (*see Matter of Hearst Corp. v Clyne*, 50 NY2d 707, 714; *Matter of City of New York v Unsafe Bldg. & Structure*, 213 AD2d 402, 402; *Heller v Trustees of Town of E. Hampton*, 198 AD2d 331, 332).

FLORIO, J.P., MILLER, DILLON and McCARTHY, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court