

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

D24572
C/kmg

_____AD3d_____

Argued - September 23, 2009

STEVEN W. FISHER, J.P.
FRED T. SANTUCCI
RUTH C. BALKIN
ARIEL E. BELEN, JJ.

2008-03559

DECISION & ORDER

Erick Figueroa, etc., respondent, v Samba Gueye,
d/b/a Tres Elegante, defendant, Dane D. Huggins,
appellant.

(Index No. 17873/03)

Gannon, Rosenfarb & Moskowitz, New York, N.Y. (Jennifer B. Ettenger of counsel),
for appellant.

Ira M. Pearlman and Robert D. Rosen, Roslyn, N.Y. (Mitchell Dranow of counsel),
for respondent.

In an action to recover damages for personal injuries, the defendant Dane D. Huggins
appeals from a judgment of the Supreme Court, Kings County (Vaughan, J.), dated March 6, 2008.

ORDERED that the appeal is dismissed as academic, without costs or disbursements.

In an order dated September 9, 2009, the Supreme Court vacated the judgment
appealed from. Accordingly, the appeal has been rendered academic.

FISHER, J.P., SANTUCCI, BALKIN and BELEN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

October 6, 2009

FIGUEROA v GUEYE, d/b/a TRES ELEGANTE