

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

D24969
Y/kmg

_____AD3d_____

Argued - October 13, 2009

MARK C. DILLON, J.P.
HOWARD MILLER
DANIEL D. ANGIOLILLO
THOMAS A. DICKERSON, JJ.

2007-11620

DECISION & ORDER

Putnam County Humane Society, appellant, v
Linda Nelson, respondent.

(Index No. 2906/07)

David Bernheim, Croton on Hudson, N.Y., for appellant.

Feerick Lynch MacCartney, PLLC, South Nyack, N.Y. (Mary E. Marzolla of counsel), for respondent.

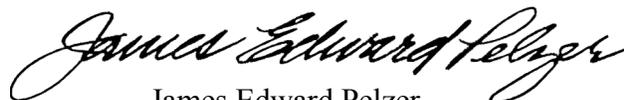
In an action for a judgment declaring that certain orders of the Justice Court of the Town of Kent were not enforceable against the plaintiff, the plaintiff appeals from an order of the Supreme Court, Putnam County (O'Rourke, J.), dated December 17, 2007, which denied its motion for a preliminary injunction and granted the defendant's motion to dismiss the complaint.

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

The appeal must be dismissed because the issues raised have been rendered academic by the dismissal of the criminal charges against the defendant and the acknowledgment by the parties that the subject animals have been returned to the defendant (*see* Agriculture and Markets Law § 373[6][c]).

DILLON, J.P., MILLER, ANGIOLILLO and DICKERSON, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

November 10, 2009

PUTNAM COUNTY HUMANE SOCIETY v NELSON