

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

D29204
C/prt

_____AD3d_____

Argued - November 12, 2010

WILLIAM F. MASTRO, J.P.
MARK C. DILLON
RANDALL T. ENG
CHERYL E. CHAMBERS, JJ.

2010-03801

DECISION & ORDER

In the Matter of Stratis Contracting Corp., appellant,
v Town of Lewisboro, et al., respondents.

(Index No. 7185/10)

Welby, Brady & Greenblatt, LLP, White Plains, N.Y. (Thomas H. Welby and Michael I. Silverstein of counsel), for appellant.

Young Sommer Ward Ritzenberg Baker & Moore, LLC, Albany, N.Y. (Joseph F. Castiglione and Kevin M. Young of counsel), for respondent.

Cuddy & Feder LLP, White Plains, N.Y. (Thomas A. Cunnane, Jr., and Joshua Kimerling of counsel), for respondent.

In a proceeding pursuant to CPLR article 78, inter alia, to review a determination of the respondent Town of Lewisboro dated March 4, 2010, awarding a public general construction contract to the respondent Milnes Co., Inc., and to direct the respondent Town of Lewisboro to award that contract to the petitioner, the petitioner appeals from a judgment of the Supreme Court, Westchester County (Zambelli, J.), entered April 9, 2010, which denied the petition and dismissed the proceeding.

Motion by the respondent to dismiss the appeal on the ground that it has been rendered academic.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is,

November 30, 2010

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ORDERED that the motion is granted; and it is further,

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

MASTRO, J.P., DILLON, ENG and CHAMBERS, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court