

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

D31861
W/kmb

_____AD3d_____

Argued - June 2, 2011

REINALDO E. RIVERA, J.P.
RANDALL T. ENG
SHERI S. ROMAN
ROBERT J. MILLER, JJ.

2009-09891

DECISION & ORDER

Lillian Petrillo, et al., appellants,
v Town of Hempstead, et al., respondents.

(Index No. 20625/05)

Callan, Koster, Brady & Brennan, LLP, New York, N.Y. (Michael P. Kandler of counsel), for appellants.

Rivkin Radler LLP, Uniondale, N.Y. (Evan H. Krinick, Cheryl F. Korman, and Merrill S. Biscone of counsel), for respondent Town of Hempstead.

Martyn, Toher & Martyn, Mineola, N.Y. (Christine J. Hill of counsel), for respondent Alfred G. Keifer, Jr., as executor of the estate of Irene G. Keifer.

In an action to recover damages for personal injuries, etc., the plaintiffs appeal, as limited by their brief, from so much of an order of the Supreme Court, Nassau County (Cozzens, Jr., J.), dated September 17, 2009, as granted those branches of the renewed motion of the defendant Town of Hempstead and the cross motion of the defendant Alfred G. Keifer, Jr., as executor of the estate of Irene G. Keifer, which were for summary judgment dismissing the complaint insofar as asserted against each of them.

ORDERED that the appeal is dismissed, without costs or disbursements, as the order appealed from was superseded by an order of the same court entered April 15, 2010, made upon reargument (*see Petrillo v Town of Hempstead*, _____AD3d_____ [Appellate Division Docket No. 2010-05170; decided herewith]).

RIVERA, J.P., ENG, ROMAN and MILLER, JJ., concur.

ENTER:


Matthew G. Kiernan

June 21, 2011

PETRILLO v TOWN OF HEMPSTEAD

Clerk of the Court

June 21, 2011

PETRILLO v TOWN OF HEMPSTEAD