

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

D32672
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_____AD3d_____

MARK C. DILLON, J.P.
RUTH C. BALKIN
RANDALL T. ENG
JEFFREY A. COHEN, JJ.

2011-07296

DECISION & JUDGMENT

In the Matter of Samuel S. (Anonymous), et al.,
petitioners, v Kathy J. King, etc., et al., respondents.

Simon S. (Anonymous), New York, N.Y., for petitioner Samuel S., and petitioner pro se.

Eric T. Schneiderman, Attorney General, New York, N.Y. (Monica Connell of counsel), for respondent Kathy J. King.

Anthony J. Lamberti, Brooklyn, N.Y., for respondent Helene S.

Proceeding pursuant to CPLR article 78 in the nature of mandamus, inter alia, to compel the respondent Kathy J. King, an Acting Justice of the Supreme Court, Kings County, to issue a written order determining the motion of Helene S. to dismiss a Mental Hygiene Law article 81 proceeding, entitled *Matter of S.*, pending in the Supreme Court, Kings County, under Index No. 100128/10.

ADJUDGED that the petition is denied and the proceeding is dismissed as academic, without costs or disbursements.

The underlying motion was decided in an order of the Supreme Court, Kings County, dated September 23, 2011. Accordingly, this proceeding has been rendered academic.

DILLON, J.P., BALKIN, ENG and COHEN, JJ., concur.

ENTER:


Matthew G. Kiernan

Clerk of the Court

October 25, 2011

MATTER OF S. (ANONYMOUS) v KING