

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

D32731
W/prt

_____AD3d_____

PETER B. SKELOS, J.P.
CHERYL E. CHAMBERS
PLUMMER E. LOTT
ROBERT J. MILLER, JJ.

2011-07542

DECISION & JUDGMENT

In the Matter of Robert J. Zysk, petitioner,
v Peter H. Mayer, etc., et al., respondents.

Robert J. Zysk, Patchogue, N.Y., petitioner pro se.

Eric T. Schneiderman, Attorney General, New York, N.Y. (Charles F. Sanders of counsel), for respondent Peter H. Mayer.

Jeffrey Levitt, Massapequa, N.Y., for respondent Salvatore Guerrera.

Proceeding pursuant to CPLR article 78 in the nature of mandamus to compel the respondent Peter H. Mayer, a Justice of the Supreme Court, Suffolk County, to determine a certain motion made by the petitioner in an underlying civil action entitled *Guerrera v Zysk*, pending in that court under Suffolk County Index No. 07-39592.

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

The instant proceeding has been rendered academic in light of the order of Justice Peter H. Mayer, dated September 1, 2011.

SKELOS, J.P., CHAMBERS, LOTT and MILLER, JJ., concur.

ENTER:



Matthew G. Kiernan
Clerk of the Court

November 1, 2011

MATTER OF ZYSK v MAYER