

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

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THOMAS A. DICKERSON, J.P.
JOHN M. LEVENTHAL
ARIEL E. BELEN
LEONARD B. AUSTIN, JJ.

2012-07157

DECISION & JUDGMENT

In the Matter of Henry F. Lewis, et al., petitioners,
v Arthur M. Schack, etc., et al., respondents.

Cozen O'Connor, New York, N.Y. (Kenneth Fisher of counsel), for petitioners.

Eric T. Schneiderman, Attorney General, New York, N.Y. (Andrew H. Meier of counsel), for respondent Arthur M. Schack.

Torgan Cooper & Aaron, P.C. (Pollack Pollack Isaac & DeCicco, New York, N.Y. [Brian J. Isaac], of counsel), for respondent Shirly Miller.

Proceeding pursuant to CPLR article 78, inter alia, in the nature of mandamus to compel the respondent Arthur M. Schack, a Justice of the Supreme Court, Kings County, to take certain action in connection with a motion made in an underlying civil action entitled *Miller v Lewis*, pending in the Supreme Court, Kings County, under Index No. 11358/09.

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 motion schedule fixed in the underlying matter by the respondent Arthur M. Schack.

DICKERSON, J.P., LEVENTHAL, BELEN and AUSTIN, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court

August 29, 2012

MATTER OF LEWIS v SCHACK