

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

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CA 08-01705

PRESENT: SCUDDER, P.J., PERADOTTO, CARNI, GREEN, AND GORSKI, JJ.

IN THE MATTER OF DAVID M. SMITH AND KRISTINE L.
SMITH, CLAIMANTS-APPELLANTS,

V

ORDER

STATE OF NEW YORK, RESPONDENT-RESPONDENT.
(APPEAL NO. 2.)

CAMBARERI & CAMBARERI, LLP, SYRACUSE (DOM CAMBARERI OF COUNSEL), FOR
CLAIMANTS-APPELLANTS.

BURKE, SCOLAMIERO, MORTATI & HURD, LLP, ALBANY (GERALD D. D'AMELIA,
JR., OF COUNSEL), FOR RESPONDENT-RESPONDENT.

Appeal from an order of the Court of Claims (Norman I. Siegel,
J.), entered July 15, 2008. The order denied claimants' motion for
leave to renew and reargue.

It is hereby ORDERED that said appeal is unanimously dismissed
without costs as moot (see *Ortiz v New York City Hous. Auth.*, 191 AD2d
177).

Entered: June 5, 2009

Patricia L. Morgan
Clerk of the Court