

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

D56115
O/htr

_____AD3d_____

Submitted - March 20, 2018

MARK C. DILLON, J.P.
CHERYL E. CHAMBERS
JOSEPH J. MALTESE
BETSY BARROS, JJ.

2016-02672

DECISION & ORDER

Toni-Ann Mugnai, etc., appellant, v Town of Oyster Bay, respondent, et al., defendant.

(Index No. 600326/14)

Windels Marx Lane & Mittendorf, LLP, New York, NY (Nicole M. Ciolko of counsel), for appellant.

Burns, Russo, Tamigi & Reardon, LLP (Milber Makris Plousadis & Seiden, LLP, Woodbury, NY [Lorin A. Donnelly], of counsel), for respondent.

In an action to recover damages for personal injuries, the plaintiff appeals from an order of the Supreme Court, Nassau County (R. Bruce Cozzens, Jr., J.), dated January 13, 2016. The order granted the motion of the defendant Town of Oyster Bay for summary judgment dismissing the complaint insofar as asserted against it.

ORDERED that the appeal from the order is dismissed, with costs, as that order was superseded by an order of the same court dated September 26, 2016, made upon reargument (*see Mugnai v Town of Oyster Bay*, _____ AD3d _____ [Appellate Division Docket No. 2016-12422; decided herewith]).

DILLON, J.P., CHAMBERS, MALTESE and BARROS, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

July 18, 2018

MUGNAI v TOWN OF OYSTER BAY