

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

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RUTH C. BALKIN, J.P.
LEONARD B. AUSTIN
SANDRA L. SGROI
VALERIE BRATHWAITE NELSON, JJ.

2017-11682

DECISION & ORDER ON MOTION

Vincent Altieri, appellant,
v Vlada Altieri, respondent.

(IDV No. 2013ID000012)

Motion by the appellant to stay enforcement of an order of the Supreme Court, Rockland County (IDV Part), dated October 18, 2017, pending hearing and determination of an appeal therefrom. By order to show cause dated January 12, 2018, the parties were directed to show cause why an order should or should not be made and entered dismissing the appeal on the ground that the appeal had been rendered academic by a decision and order of this Court dated December 13, 2017, under Appellate Division Docket No. 2016-07211. Application by the appellant for leave to withdraw the appeal.

Now, upon the order to show cause and the papers filed in response thereto, upon the papers filed in support of the motion and the papers filed in opposition thereto, and upon the papers filed in support of the application and no papers having been filed in opposition or in relation thereto, it is

ORDERED that the motion to dismiss the appeal is denied; and it is further,

ORDERED that the application is granted and the appeal is deemed withdrawn, without costs or disbursements; and it is further,

ORDERED that the appellant's motion is denied as academic.

BALKIN, J.P., AUSTIN, SGROI and BRATHWAITE NELSON, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

February 21, 2018

ALTIERI v ALTIERI