

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

M246626  
E/afa

ALAN D. SCHEINKMAN, P.J.  
JOHN M. LEVENTHAL  
JOSEPH J. MALTESE  
VALERIE BRATHWAITE NELSON, JJ.

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2018-01474

DECISION & ORDER ON MOTION

Freeport Plaza West, LLC, plaintiff,  
v Incorporated Village of Freeport, defendant.

(Index No. 600126/18)

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Motion by Incorporated Village of Freeport for leave to appeal to this Court from an order of the Supreme Court, Nassau County, dated February 2, 2018, and to stay enforcement of the order, pending hearing and determination of the appeal.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the branch of the motion which is for leave to appeal is denied; and it is further,

ORDERED that the motion is otherwise denied as academic.

SCHEINKMAN, P.J., LEVENTHAL, MALTESE and BRATHWAITE NELSON, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court

February 26, 2018

FREEPORT PLAZA WEST, LLC v INCORPORATED VILLAGE OF FREEPORT