

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

M246756
E/sl

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

2015-00370

DECISION & ORDER ON MOTION

In the Matter of Heyward D. Reed, et al.,
petitioners, v Demeza Delhomme, respondent.

Motion by the respondent, inter alia, to confirm a report of a special referee dated June 14, 2017, in a proceeding pursuant to Public Officers Law § 36 to remove the respondent from the public office of Mayor of the Village of Spring Valley. By order to show cause dated January 10, 2018, the parties were directed to show cause before this Court why an order should or should not be made and entered dismissing the proceeding on the ground that it has been rendered academic as the respondent no longer holds the public office of Mayor of the Village of Spring Valley, and the respondent's motion was held in abeyance in the interim. Application by the respondent for an attorney's fee.

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

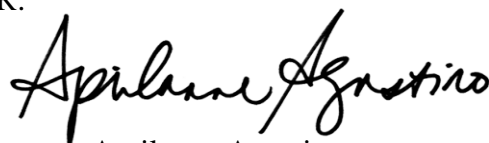
ORDERED that the motion to dismiss the proceeding is granted, and the proceeding is dismissed, without costs or disbursements (*see Matter of Halsey v Butler*, 134 AD3d 842); and it is further,

ORDERED that the respondent's motion is denied as academic; and it is further,

ORDERED that the respondent's application is dismissed without prejudice to making a motion for that relief.

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

ENTER:



Aprilanne Agostino
Clerk of the Court

March 1, 2018

MATTER OF REED v DELHOMME