

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

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MARK C. DILLON, J.P.
SANDRA L. SGROI
ROBERT J. MILLER
VALERIE BRATHWAITE NELSON, JJ.

2018-01218

DECISION & ORDER ON MOTION

United Financial Casualty Company, plaintiff-respondent, v Mitchell Lewis, et al., defendants-respondents, Vezandio Contracting Corp., et al., appellants, et al., defendant.

(Index No. 602106/15)


Separate motions by the plaintiff-respondent and the defendant-respondent Alterra Excess & Surplus Insurance Company on appeals from an order of the Supreme Court, Nassau County, entered December 20, 2017, to dismiss the appeal by the appellants John Staropoli and Jack Mangum on the ground that no appeal lies from an order entered upon the default of an appealing party. Application by the appellants John Staropoli and Jack Mangum to withdraw their appeal.

Upon the papers filed in support of the motions and the papers filed in relation 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ORDERED that the application is granted and the appeal by the appellants John Staropoli and Jack Mangum is deemed withdrawn; and it is further,

ORDERED that the motions are denied as academic.

DILLON, J.P., SGROI, MILLER and BRATHWAITE NELSON, JJ., concur.

ENTER: 
Aprilanne Agostino
Clerk of the Court

April 10, 2018

UNITED FINANCIAL CASUALTY COMPANY v LEWIS