

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

M248572

E/rr

JEFFREY A. COHEN, J.P.
JOSEPH J. MALTESE
ANGELA G. IANNACCI
LINDA CHRISTOPHER, JJ.

2017-07442

DECISION & ORDER ON MOTION

John Muzio, et al., plaintiffs, v Maria Alfaro-Hardy, individually and as treasurer of the Village of Bayville, New York, et al., respondents; John V. Muzio, Jr., guardian for John Muzio and Theresa Muzio, nonparty-appellant.

(Index No. 10528/05)

Motion by the nonparty-appellant to recall and vacate so much of a decision and order on motion of this Court dated December 5, 2017, as dismissed an appeal from an order of the Supreme Court, Nassau County, entered May 8, 2017, in effect, to correct the caption, and for leave to reargue the nonparty-appellant's prior motion, inter alia, to stay enforcement of the order entered May 8, 2017, which was determined by the decision and order on motion of this Court dated December 5, 2017.

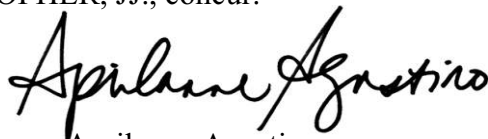
Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the branch of the motion which is, in effect, to correct the caption is remitted to the Supreme Court, Nassau County, to determine; the Supreme Court, Nassau County, shall determine this branch of the motion and advise this Court of its determination with all convenient speed; and it is further,

ORDERED that the motion is otherwise held in abeyance in the interim.

COHEN, J.P., MALTESE, IANNACCI and CHRISTOPHER, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

April 9, 2018

MUZIO v ALFARO-HARDY, individually and as treasurer of the VILLAGE OF BAYVILLE,
NEW YORK