

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

M249035
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MARK C. DILLON, J.P.
JOHN M. LEVENTHAL
ROBERT J. MILLER
COLLEEN D. DUFFY, JJ.

2016-04822

DECISION & ORDER ON MOTION

Dean Hart, respondent-appellant,
v Deborah Rosenthal, appellant-respondent.


(Index No. 6379/12)

Appeal and cross appeal from an order of the Supreme Court, Nassau County, entered March 14, 2016. By order to show cause dated February 26, 2018, the parties were directed to show cause why an order should or should not be made and entered dismissing the appeal and the cross appeal on the ground that the appeal and cross appeal had been rendered academic by an order of the Supreme Court, Nassau County, dated October 11, 2017. Application by the appellant-respondent to withdraw the appeal.

Now, upon the order to show cause and the papers filed in response 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 and the motion to dismiss the appeal and cross appeal are held in abeyance and referred to the panel of Justices hearing the matter for determination upon the argument or submission thereof.

DILLON, J.P., LEVENTHAL, MILLER and DUFFY, JJ., concur.

ENTER: 
Aprilanne Agostino
Clerk of the Court

April 27, 2018

HART v ROSENTHAL