

Matter of Brummel v Village of East Hills, N.Y., for East Hill
Motion No: 2014-08342
Slip Opinion No: 2015 NY Slip Op 62866(U)
Decided on February 2, 2015
Appellate Division, Second Department, Motion Decision
Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431.
This motion is uncorrected and is not subject to publication in the Official Reports.

Supreme Court of the State of New York

Appellate Division: Second Judicial Department

M186572

E/ct

REINALDO E. RIVERA, J.P.

ROBERT J. MILLER

SYLVIA O. HINDS-RADIX

COLLEEN D. DUFFY, JJ.

2014-08342

In the Matter of Richard A. Brummel,
appellant,

v Village of East Hills, N.Y., for East Hills

DECISION & ORDER ON MOTION

Architectural Review Board, et al.,
respondents.

(Index No. 012313/13)

Motion by the respondent Village of East Hills, N.Y., for East Hills Architectural Review Board, to dismiss an appeal from a judgment of the Supreme Court, Nassau County, dated January 6, 2014, on the ground that it has

been rendered academic or, in effect, to recall and vacate an order on application of this Court dated November 21, 2014, and dismiss the appeal. Separate motion by the appellant pro se to waive the requirements of 22 NYCRR 670.10.2(f) regarding certification of the appellant's appendix. Cross motion by the respondent Village of East Hills, N.Y., for East Hills Architectural Review Board, inter alia, to dismiss the appeal on the ground that the appellant's appendix is inadequate. Application by the respondent Village of East Hills, N.Y., for East Hills Architectural Review Board, pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to serve and file a brief.

Upon the papers filed in support of the motions and the cross motion, and the papers filed in opposition 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 branch of the motion which is to dismiss the appeal on the ground that it has been rendered academic is granted and the appeal is dismissed, without costs or disbursements; and it is further,

ORDERED that the branch of the motion which is, in effect, to recall and vacate the order on application of this Court dated November 21, 2014, and dismiss the appeal, the appellant's motion, the cross motion, and the application are denied as academic.

RIVERA, J.P., MILLER, HINDS-RADIX and DUFFY, JJ., concur.

ENTER:

Aprilanne Agostino

Clerk of the Court