

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

M182856

E/ct

RUTH C. BALKIN, J.P.
JOHN M. LEVENTHAL
L. PRISCILLA HALL
SYLVIA O. HINDS-RADIX, JJ.

2014-10056, 2014-10058, 2014-10214

DECISION & ORDER ON MOTION

In the Matter of Operation Stomp, et al.,
petitioners-respondents, v Nassau County,
et al., respondents-respondents, Brian F.
Rabinowitz, et al., nonparty-appellants.

(Index No. 9782/14)

Motion by the nonparty-appellant Brian F. Rabinowitz, inter alia, for leave to appeal to this Court from two orders of the Supreme Court, Nassau County, dated October 23, 2014 (Appellate Division Docket No. 2014-10056), and November 3, 2014 (Appellate Division Docket No. 2014-10058), respectively, and, in effect, to stay the removal of certain trees along South Oyster Bay Road, pending hearing and determination of the appeals. Separate motion by the nonparty-appellant Yushen Su, inter alia, for leave to appeal from the order dated October 23, 2014, and an order of the same court also dated November 3, 2014 (Appellate Division Docket No. 2014-10214), and, in effect, to stay the removal of certain trees along South Oyster Bay Road, pending hearing and determination of the appeals.

Upon the papers filed in support of the motion by the nonparty-appellant Brian F. Rabinowitz and no papers having been filed in opposition or in relation thereto, and upon the papers filed in support of the motion by the nonparty-appellant Yushen Su and the papers filed in opposition thereto, it is

ORDERED that on the Court's own motion, the appeals from the order dated October 23, 2014, are dismissed, without costs or disbursements, on the ground that the nonparty-appellants are not aggrieved from that order (*see* CPLR 5511); and it is further,

ORDERED that the motion by the nonparty-appellant Brian F. Rabinowitz is dismissed for failure to provide proof of service of the motion in accordance with the terms of the order to show cause of this Court dated October 30, 2014; and it is further,

November 12, 2014

Page 1.

MATTER OF OPERATION STOMP v NASSAU COUNTY

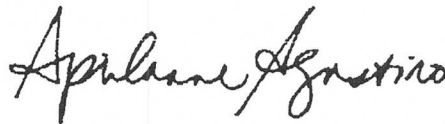
ORDERED that the branch of the motion by the nonparty-appellant Yushen Su which is, inter alia, for leave to appeal from the order dated November 3, 2014, is denied; and it is further,

ORDERED that on the Court's own motion, the appeals purportedly taken as of right from the orders dated November 3, 2014, are dismissed, without costs or disbursements; and it is further,

ORDERED that the motion by the nonparty-appellant Yushen Su is otherwise denied as academic.

BALKIN, J.P., LEVENTHAL, HALL and HINDS-RADIX, JJ., concur.

ENTER:

A handwritten signature in black ink, appearing to read "Aprilanne Agostino". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

Aprilanne Agostino
Clerk of the Court

November 12, 2014

MATTER OF OPERATION STOMP v NASSAU COUNTY

Page 2.