

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

D21012
G/prt

_____AD3d_____

Submitted - October 20, 2008

PETER B. SKELOS, J.P.
DANIEL D. ANGIOLILLO
RUTH C. BALKIN
CHERYL E. CHAMBERS, JJ.

2007-07586

DECISION & ORDER

Amanda Alvarez, etc., et al., plaintiffs-respondents,
v Elsa Eviles, et al., defendants-respondents,
Honeywell, Inc., appellant.

(Index No. 22196/02)

Pino & Associates, LLP, White Plains, N.Y. (Brian Colistra of counsel, and George W. Flynn and Jonathan A. Strauss, pro hac vice, of counsel), for appellant.

In an action, inter alia, to recover damages for personal injuries, etc., the defendant Honeywell, Inc., appeals from an order of the Supreme Court, Queens County (Schulman, J.), entered June 27, 2007, which denied, as untimely, its renewed motion for summary judgment dismissing the complaint and all cross claims insofar as asserted against it.

ORDERED that the appeal is dismissed, without costs or disbursements, as the order appealed from was superseded by an order of the same court entered March 18, 2008, made upon reargument (*see Alvarez v Eviles* _____AD3d_____ [Appellate Division Docket No. 2008-03784; decided herewith]).

SKELOS, J.P., ANGIOLILLO, BALKIN and CHAMBERS, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

November 12, 2008

ALVAREZ v EVILES