

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

M71803  
E/sl

DAVID S. RITTER, J.P.  
HOWARD MILLER  
MARK C. DILLON  
WILLIAM E. McCARTHY, JJ.

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2008-05052

DECISION & ORDER ON MOTION

Town Board of Town of Southampton, plaintiff,  
v 1104 North Sea Co., Inc., et al., defendants.

(Index No. 12376-08)

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Motion by the plaintiff for leave to appeal to this court from a decision of the Supreme Court, Suffolk County, dated April 24, 2008, and to stay enforcement of the decision pending hearing and determination of the appeal.

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 for leave to appeal is denied; and it is further,

ORDERED that the motion is otherwise denied as academic.

RITTER, J.P., MILLER, DILLON and McCARTHY, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

June 12, 2008

TOWN BOARD OF TOWN OF SOUTHAMPTON v 1104 NORTH SEA CO., INC.