

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

M77326
E/sl

STEVEN W. FISHER, J.P.
HOWARD MILLER
MARK C. DILLON
RANDALL T. ENG, JJ.

2008-07887

DECISION & ORDER ON MOTION

In the Matter of Gregory John Fischer, appellant,
v Suffolk County Board of Elections, et al.,
respondents.

(Index No. 28653-08)


Motion by the appellant, inter alia, to restrain the Suffolk County Board of Elections from removing him from the ballot as a candidate for a certain public office, pending hearing and determination of an appeal from a final order of the Supreme Court, Suffolk County, entered August 19, 2008.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the motion is denied as academic in light of our determination of the appeal (*Matter of Fischer v Suffolk County Bd. Of Elections*, ___ AD3d ___ [2d Dept, Oct. 16, 2008]).

FISHER, J.P., MILLER, DILLON and ENG, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

October 20, 2008

MATTER OF FISCHER v SUFFOLK COUNTY BOARD OF ELECTIONS