

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

M77341
S/sl

PETER B. SKELOS, J.P.
HOWARD MILLER
EDWARD D. CARNI
CHERYL E. CHAMBERS, JJ.

2007-03586, 2007-03587

DECISION & ORDER ON MOTION

In the Matter of Elaine Sassower-Berlin,
petitioner-respondent, v Leonard Berlin,
executor of the estate of Stephen Berlin,
respondent-appellant; Barbara Kopman,
nonparty-appellant.

(Docket Nos. V-11995-04, V-11996-04,
V-11997-04)

Motion by the petitioner-respondent to dismiss appeals from two orders of the Family Court, Nassau County, both dated March 14, 2007, on the ground that the respondent-appellant has died, and to recall and vacate a decision and order on motion of this court dated May 17, 2007, which stayed enforcement of the orders pending hearing and determination of the appeals. Cross motion by Leonard Berlin for leave to intervene to oppose the motion. By decision and order on motion dated June 6, 2008, the motion and cross motion were held in abeyance pending appointment of a personal representative for the estate of the respondent-appellant, Stephen Berlin. By decision and order on motion dated October 1, 2008, the respondent-appellant's application to substitute Leonard Berlin, executor of the estate of Stephen M. Berlin, for the deceased respondent-appellant Stephen Berlin, was granted, the caption was amended, and the respondent-appellant was directed to serve and file any opposition to the motion and/or any cross motion on or before October 10, 2008.

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

October 20, 2008

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ORDERED that the motion is denied.

SKELOS, J.P., MILLER, CARNI and CHAMBERS, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court