

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

M77504
E/sl

PETER B. SKELOS, J.P.
DANIEL D. ANGIOLILLO
RUTH C. BALKIN
ARIEL E. BELEN, JJ.

2008-08614

DECISION & ORDER ON MOTION

In the Matter of Davin M. Fortuna, et al., petitioners,
v Brenda A. Prusinowski, etc., et al., respondents.

(Index No. 34610-08)

Motion by Brenda A. Prusinowski, Arthur Gerhauser, Brookhaven Town Building Department, and the Town of Brookhaven for leave to appeal to this court from an order of the Supreme Court, Suffolk County, dated September 16, 2008, and to stay enforcement of a temporary restraining order contained in the order dated September 16, 2008, 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.

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

ENTER:


James Edward Pelzer
Clerk of the Court

October 22, 2008

MATTER OF FORTUNA v PRUSINOWSKI