

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

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E/cb

HOWARD MILLER, J.P.
JOSEPH COVELLO
RANDALL T. ENG
CHERYL E. CHAMBERS, JJ.

2008-00607

DECISION & ORDER ON

MOTION

In the Matter of Anne McKenna Faraldo,
petitioner, v Albert Tomei, etc., respondent.

Motion by the petitioner in a proceeding pursuant to CPLR article 78 in the nature of mandamus, which was determined by decision and judgment of this court dated March 18, 2008, for leave to amend the caption nunc pro tunc to add two parties, and, in effect, to have the proceeding determined de novo after amendment of the caption, and for poor person relief.

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 to waive the motion filing fee is granted; and it is further,

ORDERED that the motion is otherwise denied.

MILLER, J.P., COVELLO, ENG and CHAMBERS, JJ., concur.

ENTER 

James Edward Pelzer
Clerk of the Court

October 27, 2008

MATTER OF FARALDO v TOMEI