

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

M78183  
E/sl

PETER B. SKELOS, J.P.  
STEVEN W. FISHER  
FRED T. SANTUCCI  
EDWARD D. CARNI, JJ.

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2008-00734, 2008-03588

DECISION & ORDER ON MOTION

County of Suffolk, appellant,  
v All County Paving Corp., et al., respondents.

(Index No. 14177-06)

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Motion by the respondents Suffolk Asphalt Supply, Inc., and James Kenneth Haney to strike the appellant's reply brief on appeals from an order of the Supreme Court, Suffolk County, dated December 18, 2007, and a judgment of the same court entered April 9, 2008. Cross motion by the appellant to disqualify counsel for the respondents Suffolk Asphalt Supply, Inc., and James Kenneth Haney.


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

ORDERED that the motion is held in abeyance and referred to the panel of Justices hearing the appeal for determination upon the argument or submission thereof; and it is further,

ORDERED that the cross motion is denied.

SKELOS, J.P., FISHER, SANTUCCI and CARNI, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

November 6, 2008

COUNTY OF SUFFOLK v ALL COUNTY PAVING CORP.