

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

M79027
E/sl

WILLIAM F. MASTRO, J.P.
HOWARD MILLER
RUTH C. BALKIN
WILLIAM E. McCARTHY, JJ.

2008-08366

DECISION & ORDER ON MOTION

In the Matter of Ramond F. Mulhaul, petitioner,
v Debra H. Levine, respondent-respondent;
Samantha Mulhaul, nonparty-appellant.

(Docket No. V-19332-06)

Motion by the nonparty-appellant to recall and vacate a decision and order on motion of this court dated September 24, 2008, which dismissed an appeal from an order of the Family Court, Suffolk County, dated August 28, 2008, on the ground that the nonparty, Samantha Mulhaul, was not aggrieved by the order dated August 28, 2008, and to reinstate the appeal.

Upon the papers filed in support of the motion and no papers having been filed in opposition or in relation or thereto, it is

ORDERED that the motion is denied without prejudice to seeking relief in the Family Court, Suffolk County.

MASTRO, J.P., MILLER, BALKIN and McCARTHY, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

November 26, 2008

MATTER OF MULHAUL v LEVINE