

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

M87035
E/sl

WILLIAM F. MASTRO, J.P.
ROBERT A. SPOLZINO
THOMAS A. DICKERSON
JOHN M. LEVENTHAL, JJ.

2007-03940, 2009-02241

DECISION & ORDER ON MOTION

In the Matter of Land Master Montg I, LLC,
et al., respondents, v Town of Montgomery,
et al., appellants.
(Proceeding No. 1)

(Index No. 04-8125)

In the Matter of Roswind Farmland Corp., et al.,
respondents, v Town of Montgomery, et al.,
appellants.
(Proceeding No. 2)

(Index No. 04-81264)


Motion by the respondents for an award of an attorney's fee on an appeal from a judgment of the Supreme Court, Orange County, dated May 15, 2007, which was determined by decision and order of this court dated August 19, 2008.

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

ORDERED that on the motion is held in abeyance and referred to the panel of Justices hearing an appeal from an order of the same court dated December 12, 2008 (Appellate Division Docket No. 2009-02241), for determination upon the argument or submission thereof.

MASTRO, J.P., SPOLZINO, DICKERSON and LEVENTHAL, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

May 22, 2009

MATTER OF LAND MASTER MONTG I, LLC v TOWN OF MONTGOMERY