

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

M88029  
S/mv

WILLIAM F. MASTRO, J.P.  
JOSEPH COVELLO  
RUTH C. BALKIN  
LEONARD B. AUSTIN, JJ.

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2008-09672, 2008-11587

DECISION & ORDER ON MOTION

Ramon Liriano, respondent, v  
Eveready Insurance Company, appellant.

(Index No. 5226/08)

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On the court's own motion, it is

ORDERED that the decision and order of this court dated June 9, 2009, which determined appeals from (1) an order of the Supreme Court, Queens County, dated September 29, 2008, and (2) a judgment of the same court entered November 21, 2008, is recalled and vacated; and it is further,

ORDERED that within 10 days from the date of this decision and order on motion the attorney for the defendant-appellant is directed to serve a copy thereof upon the plaintiff-respondent pursuant to CPLR 2103(b)(1) or (2), and (c), and to file proof of such service in the office of the Clerk of this court, within five days thereafter, which service shall constitute notice to the plaintiff-respondent to appoint a new attorney pursuant to CPLR 321(a).

The decision and order dated June 9, 2009, which determined the above-entitled appeals is vacated because the attorney for the plaintiff-respondent was disbarred effective May 19, 2009 (*see* CPLR 321[a]).

MASTRO, J.P., COVELLO, BALKIN and AUSTIN, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

June 12, 2009

LIRIANO v EVEREADY INSURANCE COMPANY