

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

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S/nl

A. GAIL PRUDENTI, P.J.
WILLIAM F. MASTRO
REINALDO E. RIVERA
ROBERT A. SPOLZINO
PETER B. SKELOS, JJ.

2005-03476

DECISION & ORDER ON APPLICATION

Ellen Fagan, as Administrator of the Estate of Estelle Nowitz, a/k/a Estelle B. Nowitz, respondent, v *David Nowitz, appellant.*

(Index No. 18000/07)

ORDERED that the decision and order on application of this court dated July 13, 2009, in the above-entitled appeal is recalled and vacated and the following decision and order on application is substituted therefor:

Application by the respondent on an appeal from a judgment of the Supreme Court, Queens County, dated January 12, 2005, to substitute Ellen Fagan, as administrator of the estate of Estelle Nowitz, a/k/a Estelle B. Nowitz for the deceased plaintiff Estelle Nowitz.

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

ORDERED that the application is granted and Ellen Fagan, as administrator of the estate of Estelle Nowitz, a/k/a Estelle B. Nowitz, is substituted for the deceased plaintiff Estelle Nowitz, and the caption has been amended accordingly.

PRUDENTI, P.J., MASTRO, RIVERA, SPOLZINO and SKELOS, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

July 21, 2009

FAGAN v NOWITZ