

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

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E/sl

ROBERT A. SPOLZINO, J.P.
FRED T. SANTUCCI
RANDALL T. ENG
ARIEL E. BELEN, JJ.

2009-07193

DECISION & ORDER ON MOTION

In the Matter of David S. Younger, et al.,
petitioners, v Town of Greenburgh, et al.,
respondents.

(Index No. 09-16924)

Motion by the petitioners for leave to appeal to this court from an order of the Supreme Court, Westchester County, dated August 4, 2009, and, inter alia, to enjoin the respondent Thomas Abruzese from removing rock from certain premises, pending hearing and determination of the appeal.

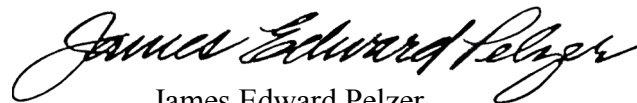
Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the branch of the motion which is for leave to appeal is denied; and it is further,

ORDERED that the motion is otherwise denied as academic.

SPOLZINO, J.P., SANTUCCI, ENG and BELEN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

August 28, 2009

MATTER OF YOUNGER v TOWN OF GREENBURGH