

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

M92532  
E/sl

HOWARD MILLER, J.P.  
CHERYL E. CHAMBERS  
LEONARD B. AUSTIN  
SHERI S. ROMAN, JJ.

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2007-02758

ORDER TO SHOW CAUSE

In the Matter of Michael J. Camardi, et al.,  
appellants, v Neil W. Kelleher, et al., respondents.

(Index No. 15507/06)

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Motion by the appellants for summary reversal on an appeal from an order of the Supreme Court, Nassau County, dated March 1, 2007, or to transfer the case to the United States District Court of the Eastern District of New York, and for an award of an attorney's fee, costs, and disbursements.

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 to transfer the case to the United States District Court of the Eastern District of New York is denied as academic in light of the stipulation dated September 17, 2009; and it is further,

ORDERED that the motion is otherwise denied; and it is further,

ORDERED that the parties or their attorneys are directed to show cause before this court why an order should or should not be made and entered dismissing the above-entitled appeal on the ground that the appeal may have been rendered academic based on the passage of time, by filing affidavits or affirmations on that issue with the Clerk of this court, on or before October 23, 2009; and it is further,

September 29, 2009

MATTER OF CAMARDI v KELLEHER

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ORDERED that the Clerk of this court, or his designee, is directed to serve a copy of this order to show cause on the parties or their attorneys by regular mail.

MILLER, J.P., CHAMBERS, AUSTIN and ROMAN, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer  
Clerk of the Court