

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

M68500
E/sl

REINALDO E. RIVERA, J.P.
PETER B. SKELOS
FRED T. SANTUCCI
ARIEL E. BELEN, JJ.

2008-01590

DECISION & ORDER ON MOTION

Dominic Gatto, et al., plaintiffs,
v Jerry Capeci, etc., et al., defendants.

(Index No. 80037/08)

Motion by the plaintiffs for leave to appeal to this court from an order of the Supreme Court, Richmond County, dated February 15, 2008, and, inter alia, to seal all records and documents relating to the above-entitled action pending hearing and determination of the appeal. Cross motion by the defendants pursuant to 22 NYCRR 130-1 for an award of costs and an attorney's fee and to impose a sanction upon the plaintiffs for the making of a frivolous motion.

Upon the papers filed in support of the motion and the cross 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; and it is further,

ORDERED that the cross motion is denied.

RIVERA, J.P., SKELOS, SANTUCCI and BELEN, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

April 2, 2008

GATTO v CAPECI