

COPY

SUPREME COURT - STATE OF NEW YORK
JAS/ TRIAL PART 9 - SUFFOLK COUNTY

PRESENT:

Hon. EDWARD D. BURKE
Acting Justice of Supreme CourtMotion R/D : 03/24/06
Adj. Date : 03/29/07
Mot Seq # : 005 MD W/DN
006 XMD
CASE DISPOSED

In the Matter of the Application of

ISLAND WATER PARK CORP. and ERIC
SCOTT,

Petitioner(s),

For a judgment pursuant to CPLR Article 78

- against -

SCULLY, PETER A., PHILIP J. CARDINALE,
BRIAN X. FOLEY, PATRICK A. HEANEY AND
STEVE A. LEVY, constituting the CENTRAL
PINE BARRENS JOINT PLANNING AND
POLICY COMMISSION and THE TOWN OF
RIVERHEAD,

Respondent(s).

VINCENT J. TRIMARCO, ESQ.

By: JOHN B. ZOLLO, ESQ.

Attorney for Plaintiff

1040 W. Jericho Turnpike

Southtown, New York 11787

ATTN: ANDREW G. FRANK Asst. Atty. General

ANDREW M. CUOMO, ESQ.

Attorney General of the State of New York

Attorney for Defendants SCULLY, PETER A.,

PHILIP J. CARDINALE, BRIAN X. FOLEY, PATRICK

A. HEANEY AND STEVE A. LEVY, constituting

the CENTRAL PINE BARRENS JOINT PLANNING

AND POLICY COMMISSION

120 Broadway, 21st Floor

New York, New York 10271

DAWN C. THOMAS, ESQ., Town Attorney

RIVERHEAD TOWN

ATTORNEY'S OFFICE

Attorneys for Defendant TOWN OF RIVERHEAD

200 Howell Avenue

Riverhead, New York 11901

Upon the following papers numbered 1 to 6, read on this motion by the petition (#001) and cross-motion (#005) by respondent commission (#006); Notice of Motion/Order to Show Cause and supporting papers 1 to 3; Notice of Cross Motion and supporting papers 4 to 6; Answering Affidavits and supporting papers _____; Replying Affidavits and supporting papers _____; Other _____; (and after hearing counsel in support and opposed to the motion) it is,

ORDERED that the cross-motion (#006) by the respondent commission to dismiss the petition served and filed in this Article 78 and the petition (#005) so served and filed were rendered academic on March 28, 2007 when the petitioners' counsel advised the court, in writing, that the petitioners were withdrawing their demands for relief. Accordingly, the aforesaid cross-motion (#006) and the petition (#005) are denied, without prejudice, as moot and this matter has been marked "case disposed".

Dated: April 3, 2007.

EDWARD D. BURKE, A.J.S.C.

