

SCA

SHORT FORM ORDER

SUPREME COURT - STATE OF NEW YORK

Present:

HON. ROY S. MAHON

Justice

**VINCENT PALMERI, an infant under the age of 18,
by his Mother and Natural Guardian DAWN PALMERI
and DAWN PALMERI Individually,**

Petitioner/Plaintiff(s),

- against -

**MARGARET E. MATARESE, PHIL ANDRIOTTI,
GEORGE M. ANDRIOTTI, ROSALINDA C.
ANDRIOTTI ANTHONY OSTRANDER, PETER
OSTRANDER, LISA OSTRANDER, KEN LUTZ,
TOM LUTZ and TRACY LUTZ,**

Respondent/Defendant(s).

TRIAL/IAS PART 6

INDEX NO. 16058/09

**MOTION SEQUENCE
NO. 2**

**MOTION SUBMISSION
DATE: September 28, 2011**

The following papers read on this motion:

Order to Show Cause

X

Affirmation in Opposition

XX

Upon the foregoing papers, the motion by plaintiffs, brought by Order to Show Cause, for an Order to unseal the criminal court file/records and information pertaining to the criminal proceedings for defendants Kenneth T. Lutz, Philip Andriotti and Anthony Ostrander for the purposes of the Civil Litigation only (2) to obtain an unredacted copy of the police incident report and witness statements or (3) in the alternative, unseal the criminal court file/records and information pertaining to the criminal proceedings for defendants Kenneth T. Luz, Philip Andriotti and Anthony Ostrander, obtaining an unredacted copy of the police incident report and witness statements, for the purposes of this Civil Litigation and sealing the within Civil Court litigation, or (4) in the alternative, permitting an in camera inspection of the criminal court records, unredacted copy of the police incident report and witness statements to determine the relevance and necessity for the plaintiff to prosecute the civil case, or (5) in the alternative, in the event it is determined that the instant petition be directed to the Court which sealed the records, this Honorable Court refer this petition to the Suffolk County Criminal Court the honorable J. Doyle who adjudicated the defendants youthful offenders and sealed their records (6) staying discovery in the instant civil case until the within petition is decided by this Court, or if the petition is directed to the Suffolk County Criminal Court, J. Doyle, until such time the petition is decided by the criminal court, is determined as hereinafter provided:

The plaintiffs in support of the instant application have not submitted an affidavit of service attesting

to service of the Order to Show Cause as directed in the Order to Show Cause. As such the plaintiff's application for an Order to unseal the criminal court file/records and information pertaining to the criminal proceedings for defendants Kenneth T. Lutz, Philip Andriotti and Anthony Ostrander for the purposes of the Civil Litigation only (2) to obtain an unredacted copy of the police incident report and witness statements or (3) in the alternative, unseal the criminal court file/records and information pertaining to the criminal proceedings for defendants Kenneth T. Luz, Philip Andriotti and Anthony Ostrander, obtaining an unredacted copy of the police incident report and witness statements, for the purposes of this Civil Litigation and sealing the within Civil Court litigation, or (4) in the alternative, permitting an in camera inspection of the criminal court records, un-redacted copy of the police incident report and witness statements to determine the relevance and necessity for the plaintiff to prosecute the civil case, or (5) in the alternative, in the event it is determined that the instant petition be directed to the Court which sealed the records, this Honorable Court refer this petition to the Suffolk County Criminal Court the honorable J. Doyle who adjudicated the defendants youthful offenders and sealed their records (6) staying discovery in the instant civil case until the within petition is decided by this Court, or if the petition is directed to the Suffolk County Criminal Court, J. Doyle, until such time the petition is decided by the criminal court, is **dismissed**.

SO ORDERED.

DATED: 11/30/2011

.....
Reg. Walker
..... J.S.C.

ENTERED

DEC 06 2011

**NASSAU COUNTY
COUNTY CLERK'S OFFICE**