

COPY

SHORT FORM ORDER

INDEX NO. 11915-2002

**SUPREME COURT - STATE OF NEW YORK
I.A.S. PART XXVII SUFFOLK COUNTY**

PRESENT:

Honorable Ralph F. Costello

OAK ISLAND BEACH ASSOCIATION,
INC.,
Plaintiff

R/D 11-29-05
S/D 12-6-05
Motion No. 004-MD

-against-

JOSEPH SCALISE, SR. and JOSEPH
SCALISE, JR.,

Defendants

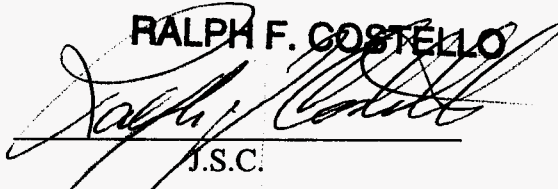
PLAINTIFF'S ATTORNEY
CARMAN CALLAHAN & INGHAM LLP
266 Main Street
Farmingdale, NY 11735

DEFENDANT'S ATTORNEY
WILSON ELSNER MOSKOWITZ ET AL
Atty for Def. Joseph Scalise, Jr.
3 Gannett Drive
White Plains, NY 10604

Upon reading and filing the following papers relative to this matter: (1) Plaintiff's Notice of Motion dated November 10, 2005 and the exhibits attached thereto; and no other papers having been filed relative to this matter, it is

ORDERED that the Petitioner's Notice of Motion is denied as moot. Petitioner has filed an Amended Notice of Motion in its place returnable January 10, 2006.

Dated: December 20, 2005

RALPH F. COSTELLO


J.S.C.