

S.D.N.Y.-N.Y.C.  
08-cv-11327  
Batts, J.

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

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At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 14<sup>th</sup> day of September, two thousand eleven,

Present:

Guido Calabresi,  
Richard C. Wesley,  
Gerard E. Lynch,  
*Circuit Judges.*

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Richard Prince,

*Defendant-Appellant,*

Gagosian Gallery, Inc., Lawrence Gagosian,

*Defendants-Cross-  
Defendants-Appellants.*

v.

11-1197-cv

Patrick Cariou,

*Plaintiff-Appellee.*

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Appellee, through counsel, moves to dismiss the appeal as moot and not encompassed by 28 U.S.C. § 1292(a). Upon due consideration, it is hereby ORDERED that the motion is DENIED. The order at issue falls within 28 U.S.C. § 1292(a) and there remains “a continuing controversy capable of redress by this Court.” *See Haley v. Pataki*, 60 F.3d 137, 140-41 (2d Cir. 1995).

FOR THE COURT:

Catherine O’Hagan Wolfe, Clerk

  
Catherine O'Hagan Wolfe

