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This opinion shall not "constitute precedent or be binding upon any court."
Although it is posted on the internet, this opinion is binding only on the
parties in the case and its use in other cases is limited. R. 1:36-3.

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-2980-16T3

IN THE MATTER OF THE
PETITION OF 500 BROADWAY, LLC,
FOR DECLARATORY RULING UNDER
N.J.S.A. 5:12-82.

Submitted October 23, 2017 – Decided November 20, 2017

Before Judges Sabatino and Whipple.

On appeal from State of New Jersey, Casino
Control Commission, PRN 2431601, Order No. 17-
01-31-01.

Cooper Levenson, PA, attorneys for appellant
500 Broadway, LLC (Fredric L. Shenkman, on the
briefs).

Christopher S. Porrino, Attorney General,
attorney for respondent New Jersey Division
Of Gaming Enforcement (David L. Rebuck,
Assistant Attorney General, of counsel; Mary
A. Carboni, Louis S. Rogacki and Tracy E.
Richardson, Deputy Attorneys General, and Mary
Jo Flaherty, Assistant Attorney General, on
the brief).


Dianna W. Fauntleroy, General Counsel,
attorney for respondent New Jersey Casino
Control Commission (Elizabeth F. Casey, Senior
Counsel, of counsel and on the brief).

PER CURIAM

We were advised by the parties the property, which is the subject of this appeal, is under contract to be purchased by a third party. Accordingly, the appeal is moot. DeVesa v. Dorsey, 134 N.J. 420, 428 (1993). The appeal is hereby dismissed without prejudice and without costs. If for some reason the sale does not transpire and the contract is rescinded or terminated, appellant may promptly file a motion to reopen the appeal. Conversely, if the sale does occur and the third party buyer wishes to enter into a leasing arrangement that implicates licensure issues, the buyer shall present those issues in the first instance to the Casino Control Commission based on the specific facts relating to its own company and proposed lease.

Dismissed.

I hereby certify that the foregoing
is a true copy of the original on
file in my office.


CLERK OF THE APPELLATE DIVISION