

**Supreme Court of the State of New York**  
**Appellate Division: Second Judicial Department**

M71500  
S/sl

A. GAIL PRUDENTI, P.J.  
WILLIAM F. MASTRO  
REINALDO E. RIVERA  
ROBERT A. SPOLZINO  
PETER B. SKELOS, JJ.

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2007-08109

DECISION & ORDER ON MOTION

Anthony Hemmingway, etc., et al., appellants,  
v Clarissa M. Eubanks, respondent.

(Index No. 43705/97)

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Appeal by the plaintiffs, by permission, from an order of the Supreme Court, Kings County, dated August 31, 2007. The appeal has not been perfected.

Now, on the court's own motion, it is

ORDERED that the appeal is dismissed, without costs or disbursements, for failure to timely perfect (*see* 22 NYCRR 670.8[e]); and it is further,

ORDERED that the stay granted by decision and order on motion of this court dated September 24, 2007, is vacated forthwith.

PRUDENTI, P.J., MASTRO, RIVERA, SPOLZINO and SKELOS, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

June 9, 2008

HEMMINGWAY v EUBANKS