

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

M71506
S/sl

ROBERT A. SPOLZINO, J.P.
FRED T. SANTUCCI
RANDALL T. ENG
JOHN M. LEVENTHAL, JJ.

2008-04956

DECISION & ORDER ON MOTION

Tony Dillahunt, respondent,
v Bexley-Exeter, Inc., et al., appellants.

(Index No. 7181/05)

Appeal by the defendants from a clerk's extract of the trial minutes of the Supreme Court, Kings County, dated March 18, 2008.

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

ORDERED that the appeal is dismissed, without costs or disbursements, as no appeal lies from a clerk's extract of the trial minutes (*see Rockman v Brosnan*, 280 AD2d 591).

SPOLZINO, J.P., SANTUCCI, ENG and LEVENTHAL, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

June 6, 2008

DILLAHUNT v BEXLEY-EXETER, INC.