

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

M71614  
E/sl

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

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2007-10384

DECISION & ORDER ON MOTION  
Motion to Dismiss Appeal

Jean D. D'Ambra, appellant,  
v Villa Roma Resort and Conference Center, Inc.,  
respondent.

(Index No. 16826/05)

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Motion by the respondent to dismiss an appeal from an order of the Supreme Court, Nassau County, dated September 26, 2007, for failure to timely perfect, and for an award of costs and disbursements.

Upon the papers filed in support of the motion and no papers having been filed in opposition or in relation thereto, it is

ORDERED that the branch of the motion which is to dismiss the appeal is granted, and the appeal is dismissed, without costs or disbursements, for failure to timely perfect in accordance with the rules of this court (*see* 22 NYCRR 670.8[e]); and it is further,

ORDERED that the branch of the motion which is for an award of costs and disbursements is denied.

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

ENTER:

  
James Edward Pelzer  
Clerk of the Court

June 10, 2008

D'AMBRA v VILLA ROMA RESORT AND CONFERENCE CENTER, INC.