

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

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E/sl

FRED T. SANTUCCI, J.P.
DANIEL D. ANGIOLILLO
RANDALL T. ENG
CHERYL E. CHAMBERS, JJ.

2008-02597

DECISION & ORDER ON MOTION

Patrick Ingegno, respondent,
v Susan Ingegno, appellant.

(Index No. 14890/04)

Motion by the respondent to dismiss an appeal from a decision of the Supreme Court, Queens County, entered January 28, 2008, on the ground that he was not served with the notice of appeal, and for an award of costs and to impose a sanction upon the appellant.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that on the court's own motion, the appeal is dismissed, without costs or disbursements, on the ground that no appeal lies from a decision (*see Schicchi v J.A. Green Constr. Co.*, 100 AD2d 509); and it is further,

ORDERED that the motion is denied as academic.

SANTUCCI, J.P., ANGIOLILLO, ENG and CHAMBERS, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

June 13, 2008

INGEGNO v INGEGNO