

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

M72080
E/sl

DAVID S. RITTER, J.P.
ANITA R. FLORIO
HOWARD MILLER
WILLIAM E. McCARTHY, JJ.

2008-03051

DECISION & ORDER ON MOTION

The People etc., ex rel. Samantha Miller,
o/b/o Danny Stevens, respondent,
v Department of Social Services, appellant.

(Index No. 4783-08)

Motion by the appellant to stay enforcement of a decision of the Supreme Court, Suffolk County, dated April 1, 2008, pending hearing and determination of an appeal therefrom.

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, as no appeal lies from a decision (*see Schicchi v J. A. Green Constr. Corp.*, 100 AD2d 509); and it is further,

ORDERED that the motion is denied as academic.

RITTER, J.P., FLORIO, MILLER and McCARTHY, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

June 20, 2008

PEOPLE EX REL. MILLER, o/b/o STEVENS v DEPARTMENT OF SOCIAL SERVICES