

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

M72380
S/sl

ROBERT A. SPOLZINO, J.P.
ROBERT A. LIFSON
THOMAS A. DICKERSON
CHERYL E. CHAMBERS, JJ.

2007-11791, 2007-11795, 2007-11796

DECISION & ORDER ON APPLICATION

In the Matter of Humbert Carl Verdeschi, a/k/a
H. Carl Verdeschi, deceased.
Robert Priaulx, petitioner-respondent;
Gerald Tepper, appellant; et al., respondents.

(File No. 0083/04)

Application by the appellant pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to perfect appeals from an order of the Surrogate's Court, Westchester County, dated September 29, 2006, a decision of the same court dated September 11, 2007, and a decree of the same court dated November 2, 2007.

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

ORDERED that the appeal from the decision dated September 11, 2007 (Appellate Division Docket No. 2007-11795), 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 branches of the application which are to enlarge the time to perfect the appeals from the order dated September 29, 2006, and the decree dated November 2, 2007, are granted, the appellant's time to perfect those appeals is enlarged until August 11, 2008, and the record or appendix on those appeals and the appellant's brief must be served and filed on or before that date; and it is further,

ORDERED that the application is otherwise denied as academic.

SPOLZINO, J.P., LIFSON, DICKERSON and CHAMBERS, JJ., concur.

ENTER:


James Edward Pelzer

June 30, 2008

MATTER OF VERDESCHI, DECEASED

Clerk of the Court

June 30, 2008

MATTER OF VERDESCHI, DECEASED