

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

M72626  
E/sl

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

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2004-09828

DECISION & ORDER ON MOTION

In the Matter of Ted Demirjian, et al., appellants,  
v Jeffrey Freis, et al., respondents.

(Index No. 04-181)

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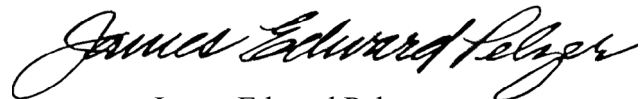
Appeal by the plaintiffs from an order and judgment (one paper) of the Supreme Court, Westchester County, dated September 27, 2004. The appeal was perfected on April 22, 2005. By decisions and orders on application dated May 19, 2005, and July 19, 2005, the respondents' time to serve and file a brief was enlarged until July 19, 2005, and September 26, 2005, respectively. On November 27, 2006, the attorney for the appellants asked that the appeal not be calendared on the ground that the appeal might be withdrawn. Since that date the appellants' attorney has not responded to inquiries by personnel of this court regarding the status of the appeal. By order to show cause dated June 5, 2008, the parties or their attorneys were directed to show cause before this court why an order should or should not be made and entered dismissing the appeal as abandoned.

Upon the papers filed in support of the order to show cause and no papers having been filed in response thereto, it is

ORDERED that the motion is granted and the appeal is dismissed, without costs or disbursements.

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

ENTER:



James Edward Pelzer  
Clerk of the Court

July 2, 2008

MATTER OF DEMIRJIAN v FREIS