

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

M76334
E/sl

ROBERT A. LIFSON, J.P.
DAVID S. RITTER
HOWARD MILLER
RUTH C. BALKIN, JJ.

2008-08284

DECISION & ORDER ON MOTION

In the Matter of Jose F. Rodriguez, respondent,
v Yessenia Vazquez, appellant.

(Docket No. V-12356/07)

Motion by Yessenia Vazquez to stay enforcement of an order of the Family Court, Nassau County, dated August 18, 2008, pending hearing and determination of the appeal.

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

ORDERED that on the court's own motion, the appeal is dismissed, without costs or disbursements, as no appeal lies as of right from a nonfinal order in a proceeding pursuant to Family Court article 6, part 3, and we decline to grant leave to appeal (*see* Family Ct Act § 1112); and it is further,

ORDERED that the motion to stay enforcement of the order is denied as academic.

LIFSON, J.P., RITTER, MILLER and BALKIN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

October 23, 2008

MATTER OF RODRIGUEZ v VAZQUEZ