

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

M76455  
E/sl

REINALDO E. RIVERA, J.P.  
HOWARD MILLER  
DANIEL D. ANGIOLILLO  
CHERYL E. CHAMBERS, JJ.

---

2008-05449

DECISION & ORDER ON MOTION

Michael D. O'Sullivan, et al., appellants,  
v William C. Doremus, et al., respondents.

(Index No. 06-7829)

---

Separate motions by the respondents to dismiss an appeal from an order of the Supreme Court, Orange County, dated May 29, 2008, on the ground that the appellants did not timely file the notice of appeal. Cross motion by the appellants pursuant to CPLR 5520(a) to deem the notice of appeal, which was timely served, to be timely filed.

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

ORDERED that the cross motion is granted and the notice of appeal is deemed timely filed (*see* CPLR 5520[a]); and it is further,

ORDERED that the motions are denied.

RIVERA, J.P., MILLER, ANGIOLILLO and CHAMBERS, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

October 1, 2008

O'SULLIVAN v DOREMUS