

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

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E/sl

A. GAIL PRUDENTI, P.J.
FRED T. SANTUCCI
WILLIAM E. McCARTHY
CHERYL E. CHAMBERS, JJ.

2008-07527, 2008-08587

George McDowell, appellant,
v John T. Lock, et al., respondents.

DECISION & ORDER ON MOTION
Motion to Dismiss Appeal

(Index No. 3647-08)

Motion by the respondents on appeals from an order of the Supreme Court, Suffolk County, dated May 8, 2008, and a judgment of the same court entered July 25, 2008, to dismiss the appeal from the order, on the ground that the notice of appeal was not timely served and filed.

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 from the order dated May 8, 2008 (Appellate Division Docket No. 2008-07527), is dismissed, without costs or disbursements, on the ground that the right of direct appeal terminated with entry of the judgment entered July 25, 2008 (*see Matter of Aho*, 39 NY2d 241); and it is further,

ORDERED that the motion is denied as academic.

PRUDENTI, P.J., SANTUCCI, McCARTHY and CHAMBERS, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

October 1, 2008

McDOWELL v LOCK