

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

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E/sl

FRED T. SANTUCCI, J.P.
MARK C. DILLON
THOMAS A. DICKERSON
CHERYL E. CHAMBERS, JJ.

2008-06162

DECISION & ORDER ON MOTION

Kevin C. O'Lenahan, appellant,
v Mid-Island Restaurant Associates, L.P.,
et al., respondents.

(Index No. 13581-05)

Motion by the respondents to dismiss an appeal from an order of the Supreme Court, Suffolk County, dated December 13, 2007, on the ground that it was untimely taken (*see* CPLR 5513)

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

ORDERED that the motion is denied.

SANTUCCI, J.P., DILLON, DICKERSON and CHAMBERS, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

October 8, 2008

O'LENAHAN v MID-ISLAND RESTAURANT ASSOCIATES, L.P.