

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

M77079
E/sl

ROBERT A. SPOLZINO, J.P.
DAVID S. RITTER
FRED T. SANTUCCI
EDWARD D. CARNI, JJ.

2008-08786, 2008-08787

DECISION & ORDER ON MOTION

Lisa Sicurelli, respondent,
v Robert Sicurelli, Jr., appellant.

(Index No. 12169/99)

Motion by the appellant on appeals from a decision of the Supreme Court, Nassau County, dated June 24, 2008, and an order of the same court dated September 11, 2008, inter alia, to stay enforcement of the order dated September 11, 2008, as well as any money judgment entered upon the order, pending hearing and determination of the appeals.

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 decision dated June 24, 2008 (Appellate Division Docket No. 2008-08786), is dismissed, without costs or disbursements, on the ground that no appeal lies as from a decision (*see Schicchi v Green Constr. Corp.*, 100 AD2d 509); and it is further,

ORDERED that the motion is denied.

SPOLZINO, J.P., RITTER, SANTUCCI and CARNI, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

October 10, 2008

SICURELLI v SICURELLI