

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

M77253  
E/sl

PETER B. SKELOS, J.P.  
DAVID S. RITTER  
EDWARD D. CARNI  
THOMAS A. DICKERSON, JJ.

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2008-02697, 2008-08416

DECISION & ORDER ON MOTION

In the Matter of Neuphemia S. (Anonymous).  
Jewish Association for Services for the Aged,  
Community Guardian Program, respondent;  
Mark Johnson, et al., appellants.

(Index No. 100293/06)

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Motion by the appellants, inter alia, to stay their eviction from the subject premises pending hearing and determination of appeals from two orders of the Supreme Court, Kings County, dated March 7, 2008, and August 5, 2008, respectively.

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 appeals are dismissed, without costs or disbursements, on the ground that no appeal lies as of right from an order that does not result from a motion made on notice (*see* CPLR 5701), and we decline to grant leave to appeal; and it is further,

ORDERED that the motion is denied as academic.

SKELOS, J.P., RITTER, CARNI and DICKERSON, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

October 16, 2008

MATTER OF S. (ANONYMOUS), NEUPHEMIA