

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

M77380  
S/sl

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

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2008-03681

DECISION & ORDER ON APPLICATION

Lorna Smith, respondent, et al., plaintiffs,  
v Stewart Title Insurance Company, appellant,  
et al., defendants.

(Index No. 22352/03)

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Application by the appellant pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to perfect an appeal from a decision of the Supreme Court, Queens County, dated November 8, 2007.

Upon the papers filed in support of the application and no papers having been filed in opposition thereto, it is

ORDERED that the appeal is dismissed, without costs or disbursements, as no appeal lies from a decision (*see Schicchi v J.A. Green Constr. Corp.*, 100 AD2d 509); and it is further,

ORDERED that the application is denied as academic.

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

ENTER:

  
James Edward Pelzer  
Clerk of the Court

October 20, 2008

SMITH v STEWART TITLE INSURANCE COMPANY