

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

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E/cb

ROBERT A. SPOLZINO, J.P.
ANITA R. FLORIO
WILLIAM E. McCARTHY
THOMAS A. DICKERSON, JJ.

2008-07406

DECISION & ORDER ON MOTION

Carol Middleton, appellant,
v Martin Rosenberg, a/k/a Mickey Ross,
et al., respondents.

(Index No. 12649/07)

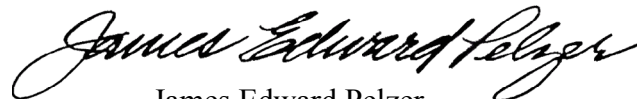
Separate motions by the respondent Martin Rosenberg, a/k/a Mickey Ross, and the respondent Ross Windows Corporation to dismiss an appeal from an order of the Supreme Court, Westchester County, entered June 24, 2008, insofar as asserted against them, on the ground that it was untimely taken.

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

ORDERED that the motions are granted and the appeal is dismissed insofar as asserted against the respondents Martin Rosenberg, a/k/a Mickey Ross, and Ross Windows Corporation, without costs or disbursements (*see* CPLR 5515[1]).

SPOLZINO, J.P., FLORIO, McCARTHY and DICKERSON, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

October 24, 2008

MIDDLETON v ROSENBERG a/k/a ROSS