

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

M77937  
E/sl

WILLIAM F. MASTRO, J.P.  
REINALDO E. RIVERA  
STEVEN W. FISHER  
ROBERT A. LIFSON, JJ.

---

2006-11859

DECISION & ORDER ON MOTION

Teresa Vogelgesang, respondent,  
v Arthur Vogelgesang, appellant.

(Index No. 750/05)

---


Motion by the appellant on an appeal from a judgment of the Supreme Court, Queens County, dated September 26, 2006, which was dismissed as untimely taken by decision and order on motion of this court dated May 2, 2007, inter alia, to vacate the decision and order on motion of this court dated May 2, 2007, on the ground of newly discovered evidence, in the interests of justice, on the ground that the judgment was improperly entered, and on the ground that the Supreme Court, Queens County, did not have subject matter jurisdiction, and to reinstate the appeal.

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

ORDERED that the motion is denied.

MASTRO, J.P., RIVERA, FISHER and LIFSON, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

October 31, 2008

VOGELGESANG v VOGELGESANG