

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

M78061  
E/sl

REINALDO E. RIVERA, J.P.  
ROBERT A. LIFSON  
RANDALL T. ENG  
CHERYL E. CHAMBERS, JJ.

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2008-07940

DECISION & ORDER ON MOTION

Village of Westhampton Beach, respondent,  
v Donald Cayea, et al., appellants.

(Index No. 27666-02)

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Motion by the respondent pursuant to CPLR 5701(c) to dismiss an appeal from an order of the Supreme Court, Suffolk County, dated July 10, 2008, on the ground that the order requires leave to appeal and leave to appeal has not been granted.

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

ORDERED that the motion is denied.

RIVERA, J.P., LIFSON, ENG and CHAMBERS, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

November 1, 2008

VILLAGE OF WESTHAMPTON BEACH v CAYEA