

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

M78116
E/sl

STEVEN W. FISHER, J.P.
RUTH C. BALKIN
WILLIAM E. McCARTHY
JOHN M. LEVENTHAL, JJ.

2008-03282

DECISION & ORDER ON MOTION

Scott Bartow, et al., appellants,
v Edgar Lugo, et al., respondents,
et al., defendant.

(Index No. 100824/06)

Motion by the appellants to enlarge the time to perfect an appeal from a decision of the Supreme Court, Richmond County, dated December 11, 2007.

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

ORDERED that on the court's own motion, the appeal is dismissed, without costs or disbursements, on the ground that no appeal lies from a decision (*see Schicchi v J.A. Green Constr. Co.*, 100 AD2d 509); and it is further,

ORDERED that the motion is denied as academic without prejudice to taking an appeal from any judgment entered in the action.

FISHER, J.P., BALKIN, McCARTHY and LEVENTHAL, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

November 5, 2008

BARTOW v LUGO