

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

M78178  
E/sl

PETER B. SKELOS, J.P.  
ROBERT A. LIFSON  
FRED T. SANTUCCI  
EDWARD D. CARNI, JJ.

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2007-07474, 2008-00990

DECISION & ORDER ON MOTION

John Vecchio, et al., plaintiffs,  
v Miller Place Realty, LLC, et al., defendants-  
respondents, Racanelli Construction Company,  
Inc., defendant third-party plaintiff-respondent;  
Dame Contracting, Inc., third-party defendant-  
appellant.  
(Appeal No. 1)

John Vecchio, et al., plaintiffs,  
v Miller Place Realty, LLC, et al., defendants-  
respondents, Racanelli Construction Company,  
defendant third-party plaintiff-appellant-respondent;  
Dame Construction, Inc., third-party  
defendant-respondent-appellant.  
(Appeal No. 2)

(Index No. 11078-05)

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Motion by Miller Place Realty, LLC, and NB Realty, LLC, on an appeal from an order of the Supreme Court, Suffolk County, dated May 30, 2007, and an appeal and cross appeal from an order of the same court dated December 3, 2007, to enlarge the record on the appeal from the order dated May 30, 2007, to include the papers submitted in connection with the motion that was determined by the order December 3, 2007.

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

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ORDERED that the motion is denied; and it is further,

ORDERED that on the court's own motion, the appeal and cross appeal from the order dated December 3, 2007 (Appellate Division Docket No. 2008-00990), are dismissed, without costs or disbursements, for failure to timely perfect the same in accordance with the rules of this court (*see* 22 NYCRR 670.8[e]).

SKELOS, J.P., LIFSON, SANTUCCI and CARNI, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court