

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

M78184
E/sl

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

2008-01526, 2008-09969

DECISION & ORDER ON MOTION

Lillian Bernstein, appellant,
v Parthenon Enterprises, Inc., d/b/a
Greenvale Townhouse Diner, et al.,
respondents.

(Index No. 2817/06)

Motion by the respondents on appeals from an order of the Supreme Court, Nassau County, dated December 31, 2007, and a judgment of the same court dated June 25, 2008, to dismiss the appeal from the order on the ground that the right of direct appeal from the order terminated with entry of the judgment dated June 25, 2008.

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

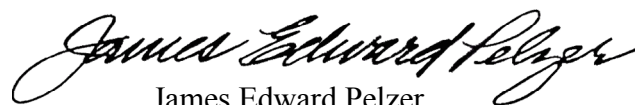
ORDERED that the motion is denied (*see* CPLR 5501[c]); and it is further,

ORDERED that the notice of appeal from the order is deemed also to be a notice of appeal from the judgment (*see* CPLR 5501[c]); and it is further,

ORDERED that on or before November 17, 2008, the appellant shall serve and file a supplemental record containing the judgment dated June 25, 2008.

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

ENTER:



James Edward Pelzer
Clerk of the Court

November 6, 2008

BERNSTEIN v PARTHENON ENTERPRISES, INC., d/b/a GREENVALE
TOWNHOUSE DINER