

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

M78453
S/sl

HOWARD MILLER, J.P.
THOMAS A. DICKERSON
JOHN M. LEVENTHAL
ARIEL E. BELEN, JJ.

2008-04422

DECISION & ORDER ON APPLICATION

In the Matter of Christopher Colalucci, et al.,
appellants, v Village of Rye Brook, etc.,
et al., respondents.

(Index No. 07-16064)

Application by the appellants pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to perfect an appeal from an order of the Supreme Court, Westchester County, entered April 2, 2008.

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

ORDERED that the appeal is dismissed, without costs or disbursements, as the order is not appealable as of right and leave to appeal has not been granted (*see* CPLR 5701); and it is further,

ORDERED that the application is denied as academic.

MILLER, J.P., DICKERSON, LEVENTHAL and BELEN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

November 14, 2008

MATTER OF COLALUCCI v VILLAGE OF RYE BROOK