

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

M78601
E/sl

REINALDO E. RIVERA, J.P.
MARK C. DILLON
JOSEPH COVELLO
WILLIAM E. McCARTHY, JJ.

2008-09641, 2008-08089

DECISION & ORDER ON MOTION

In the Matter of Lynda Gorsky, appellant,
v John Alexander Kessler, respondent.

(Docket Nos. V-2233/07, V-2234/07)

Appeals by John Alexander Kessler from two orders of the Family Court, Westchester County, dated August 14, 2008, and October 6, 2008, respectively. Motion by John Alexander Kessler for leave to appeal to this court from the order dated October 6, 2008, and to stay enforcement of stated portions of the order dated October 6, 2008, pending hearing and determination of the appeal from that order.

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

ORDERED that on the court's own motion, the appeal from the order dated August 14, 2008 (Appellate Division Docket No. 2008-08089), is dismissed, without costs or disbursements, on the ground that the order is not appealable as of right and leave to appeal has not been granted (*see* Family Ct Act § 1112); and it is further,

ORDERED that the branch of the motion which is for leave to appeal from the order dated October 6, 2008 (Appellate Division Docket No. 2008-09641), is denied; and it is further,

ORDERED that on the court's own motion, the appeal purportedly taken as of right from the order dated October 6, 2008 (Appellate Division Docket No. 2008-09641), is dismissed, without costs or disbursements; and it is further,

November 17, 2008

MATTER OF GORSKY v KESSLER

Page 1.

ORDERED that the branch of the motion which is to stay enforcement of the order from the order dated October 6, 2008, is denied as academic.

RIVERA, J.P., DILLON, COVELLO and McCARTHY, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court