

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

M78951
E/sl

WILLIAM F. MASTRO, J.P.
HOWARD MILLER
RUTH C. BALKIN
WILLIAM E. McCARTHY, JJ.

2008-10053

DECISION & ORDER ON MOTION

John Ryan, respondent,
v Marylou Ryan, appellant.

(Index No. 5015/97)

Motion by the appellant to stay enforcement of an order of the Supreme Court, Richmond County, April 28, 2008, pending hearing and determination of an appeal therefrom, and for leave to prosecute the appeal as a poor person.


Upon the papers filed in support of the motion and the papers 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, as no appeal lies from an order entered upon the default of the appellant (*see Marino v Termini*, 4 AD3d 342); and it is further,

ORDERED that the motion is denied as academic.

MASTRO, J.P., MILLER, BALKIN and McCARTHY, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

November 24, 2008

RYAN v RYAN