

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

M79470
E/sl

ROBERT A. LIFSON, J.P.
DAVID S. RITTER
HOWARD MILLER
RUTH C. BALKIN, JJ.

2008-00501

DECISION & ORDER ON MOTION
Motion to Dismiss Appeal

Sally Flotteron, et al., respondents,
v SKR Building Corp., et al., defendants,
Sherif Farag, et al., appellants.

(Index No. 102713/06)

Motion by the respondents to dismiss an appeal from an order of the Supreme Court, Richmond County, dated December 6, 2007, on the ground that the appellants are not aggrieved by the order dated December 6, 2007. By decision and order on motion dated October 2, 2008, the matter was remitted to the Supreme Court, Richmond County, to report on whether it considered the affirmation of Edward R. Finkelstein, the attorney for Sherif Farag and Gihan Farag, dated August 30, 2007, to join in the cross motion of SKR Building Corp. for summary judgment dismissing the complaint, and treated Sherif Farag and Gihan Farag as joint movants on the cross motion, which resulted in the order dated December 6, 2007, and the motion was held in abeyance in the interim. The Supreme Court, Richmond County, has filed its report.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, and upon the report of the Supreme Court, Richmond County, dated October 14, 2008, it is

ORDERED that the motion is granted and the appeal is dismissed on the ground that the appellants are not aggrieved by the order dated December 6, 2007 (CPLR 5511).

LIFSON, J.P., RITTER, MILLER and BALKIN, JJ., concur.

ENTERED



James Edward Pelzer
Clerk of the Court

December 5, 2008

FLOTTERON v SKR BUILDING CORP.