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

M79494
S/sl

A. GAIL PRUDENTI, P.J.
WILLIAM F. MASTRO
REINALDO E. RIVERA
ROBERT A. SPOLZINO
PETER B. SKELOS, JJ.

2006-07983 DECISION & ORDER ON MOTION

Gayle R. Huerter, as executrix of the estate of Frank Popielaski, respondent, v Astoria Federal Savings Bank, appellant, et al., defendants (and a third-party action).

(Index No. 24868-05)

Appeal by Astoria Federal Savings Bank from an order of the Supreme Court, Suffolk County, dated July 25, 2006. The appeal has not been perfected.

Now, on the court's own motion, it is

ORDERED that the appeal is dismissed, without costs or disbursements, for failure to timely perfect (*see* 22 NYCRR 670.8[e]).

PRUDENTI, P.J., MASTRO, RIVERA, SPOLZINO and SKELOS, JJ., concur.

ENTER:

James Edward Pelzer
Clerk of the Court

December 8, 2008

HUERTER v ASTORIA FEDERAL SAVINGS BANK