

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

M79764  
S/sl

A. GAIL PRUDENTI, P.J.  
MARK C. DILLON  
RANDALL T. ENG  
JOHN M. LEVENTHAL, JJ.

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2008-05155

DECISION & ORDER ON MOTION

Generoso V. Tassone, appellant,  
v Marriott International, Inc., et al., respondents.

(Index No. 19969-05)

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Application by the appellant pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to perfect an appeal from an order of the Supreme Court, Suffolk County, dated August 8, 2008.

Now, on the court's own motion, 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.

PRUDENTI, P.J., DILLON, ENG and LEVENTHAL, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

December 12, 2008

TASSONE v MARRIOTT INTERNATIONAL, INC.