

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

M79985  
E/cb

ROBERT A. SPOLZINO, J.P.  
STEVEN W. FISHER  
HOWARD MILLER  
EDWARD D. CARNI, JJ.

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2008-08166

Victoria Auriemmo, appellant,  
v Richard Auriemmo, respondent.

DECISION & ORDER ON MOTION  
Motion to Dismiss Appeal

(Index No. 14772/04)

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Motion by the respondent to dismiss an appeal from an order of the Supreme Court, Queens County, entered July 9, 2008, on the ground that no appeal lies as of right from an order that is not the result of a motion made on notice (*see* CPLR 5701).

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

ORDERED that the motion is granted and the appeal is dismissed, without costs or disbursements (*see* CPLR 5701).

SPOLZINO, J.P., FISHER, MILLER and CARNI, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

December 18, 2008

AURIEMMO v AURIEMMO