

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

M80314  
S/sl

A. GAIL PRUDENTI, P.J.  
ROBERT A. SPOLZINO  
WILLIAM E. McCARTHY  
JOHN M. LEVENTHAL, JJ.

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2008-06186

DECISION & ORDER ON APPLICATION

In the Matter of Josephine Pascarella Trust.  
Raymond Pascarella, et al., appellants:  
Marie Spaght, respondent.

(Index No. 92-8350)

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Application by the appellants pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to perfect an appeal from an order of the Supreme Court, Westchester County, dated June 3, 2008.


Upon the papers filed in support of the application and no papers having been filed in opposition thereto, 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., SPOLZINO, McCARTHY and LEVENTHAL, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

December 24, 2008

MATTER OF JOSEPHINE PASCARELLA TRUST