

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

M86248
E/cb

WILLIAM F. MASTRO, J.P.
HOWARD MILLER
CHERYL E. CHAMBERS
LEONARD B. AUSTIN, JJ.

2008-08724

DECISION & ORDER ON MOTION

Prince Oparaj, etc., et al., appellants,
v City of New York, et al., respondents.

(Index No. 48531/03)

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, Kings County, August 6, 2008.

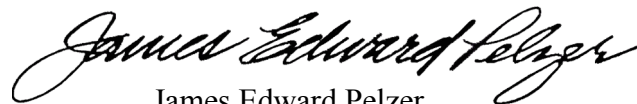
Upon the papers filed in support of the application and no papers having been filed in opposition thereto, it is

ORDERED that on the court's own motion, the appeal is dismissed, without costs or disbursements, on the ground that no appeal lies as of right from an order that directs a hearing to aid in the disposition of a motion (*see Bagdy v Progresso Foods Corp.*, 89 AD2d 589), and we decline to grant leave to appeal; and it is further,

ORDERED that the application is denied as academic.

MASTRO, J.P., MILLER, CHAMBERS and AUSTIN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

May 7, 2009

OPARAJ v CITY OF NEW YORK