

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

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E/cb

WILLIAM F. MASTRO, J.P.
MARK C. DILLON
FRED T. SANTUCCI
RUTH C. BALKIN, JJ.

2008-08530

DECISION & ORDER ON MOTION

Frank Cannella, appellant,
v Marguerite Anthony, respondent.

(Index No. 9442/06)

Motion by the appellant for leave to prosecute an appeal from a decision of the Supreme Court, Rockland County, dated August 7, 2008, as a poor person, for the assignment of counsel, and to enlarge the time to perfect the appeal.

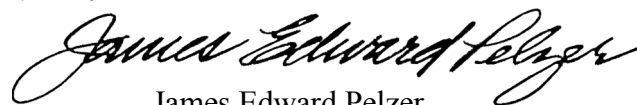
Upon the papers filed in support of the motion and no papers having been filed in opposition or in relation thereto, it is

ORDERED that on the court's own motion, the appeal is dismissed, without costs or disbursements, on the ground that no appeal lies from a decision (*see Schicchi v J.A. Green Constr. Co.*, 100 AD2d 509); and it is further,

ORDERED that the motion is denied as academic.

MASTRO, J.P., DILLON, SANTUCCI and BALKIN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

May 7, 2009

CANNELLA v ANTHONY