

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

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E/cb

WILLIAM F. MASTRO, J.P.
REINALDO E. RIVERA
THOMAS A. DICKERSON
PLUMMER E. LOTT, JJ.

2009-01022, 2009-01518, 2009-01519,
2009-01520, 2009-01521

DECISION & ORDER ON MOTION
Motion to Dismiss Appeal

Deanna Reiss, appellant,
v Roadhouse Restaurant, et al., defendants;
Group Health Incorporated, nonparty-
respondent.

(Index No. 13270/02)

Motion by the respondent on appeals from three orders of the Supreme Court, Richmond County, dated January 31, 2007, November 16, 2007, and December 19, 2008, respectively, and two decisions of the same court dated October 1, 2007, and September 16, 2008, respectively, to dismiss the appeals from the orders dated January 31, 2007, and November 16, 2007, respectively, on the ground that those appeals were untimely taken, and to dismiss the appeals from the decisions on the ground that no appeal lies from a decision.


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

ORDERED that the branches of the motion which are to dismiss the appeals from the decisions dated October 1, 2007, and September 16, 2008 (Appellate Division Docket Nos. 2008-01518, 2008-01520), respectively, are granted and those appeals are dismissed, without costs or disbursements (*see Schicchi v J.A. Green Constr. Co.*, 100 AD2d 509); and it is further,

ORDERED that the branches of the motion which are to dismiss the appeals from the orders are denied.

MASTRO, J.P., RIVERA, DICKERSON and LOTT, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

May 7, 2009

REISS v ROADHOUSE RESTAURANT