

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

M86370
E/cb

REINALDO E. RIVERA, J.P.
PETER B. SKELOS
FRED T. SANTUCCI
JOSEPH COVELLO, JJ.

2008-11468

DECISION & ORDER ON MOTION

Jacqueline Curreri, plaintiff,
v Heritage Property Investment Trust, Inc.
defendant, Servus, Inc., etc., appellant,
Parkline Asphalt Maintenance, Inc., respondent.

(Index No. 24418/04)

Motion by Servus, Inc., for leave to appeal to this court from an order of the Supreme Court, Suffolk County, dated October 29, 2008.

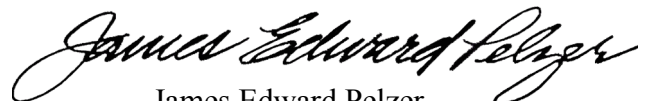
Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the motion is denied; and it is further,

ORDERED that on the court's own motion, the appeal purportedly taken as of right is dismissed, without costs or disbursements.

RIVERA, J.P., SKELOS, SANTUCCI and COVELLO, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

May 11, 2009

CURRERI v HERITAGE PROPERTY INVESTMENT TRUST, INC.