

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

M86499
E/cb

ROBERT A. SPOLZINO, J.P.
DANIEL D. ANGIOLILLO
JOHN M. LEVENTHAL
PLUMMER E. LOTT, JJ.

2009-03366, 2009-03368

DECISION & ORDER ON MOTION

Sukhram Badley, respondent,
v North Shore University Hospital, et al.,
defendants, Jamaica Hospital Medical
Center, appellant.

(Index No. 8436/05)

Motion by the respondent to dismiss appeals from a judgment of the Supreme Court, Queens County, entered October 23, 2008, and an order of the same court entered March 12, 2009, on the ground that the appeals were untimely taken.

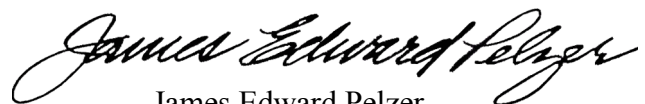
Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the branch of the motion which is to dismiss the appeal from the judgment entered October 23, 2008 (Appellate Division Docket No. 2009-03368), is granted and the appeal is dismissed, without costs or disbursements (*see* CPLR 5513[a]); and it is further,

ORDERED that the branch of the motion which is to dismiss the appeal from the order entered March 12, 2009 (Appellate Division Docket No. 2009-03366), is denied.

SPOLZINO, J.P., ANGIOLILLO, LEVENTHAL and LOTT, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

May 12, 2009

BADLEY v NORTH SHORE UNIVERSITY HOSPITAL