

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

M86635  
E/cb

REINALDO E. RIVERA, J.P.  
HOWARD MILLER  
RUTH C. BALKIN  
LEONARD B. AUSTIN, JJ.

---

2009-02189

DECISION & ORDER ON MOTION

Maura Sherry, et al., plaintiffs-respondents,  
v Wal-Mart Stores East, L.P., appellant,  
Coca Cola Enterprises, Inc., defendant-  
respondent.

(Index No. 06-04636)

---

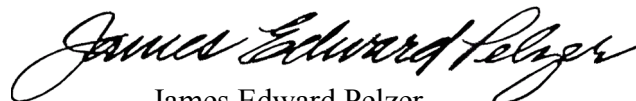
Motion by plaintiffs-respondents on an appeal from an order of the Supreme Court, Orange County, dated January 26, 2009, to dismiss an appeal purportedly filed by Coca Cola Enterprises, Inc., on the ground that the notice of appeal was untimely.

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 the motion is denied as unnecessary as Coca Cola Enterprises, Inc., never filed a notice of appeal.

RIVERA, J.P., MILLER, BALKIN and AUSTIN, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

May 14, 2009

SHERRY v WAL-MART STORES EAST, L.P.