

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

M87148
S/sl

STEVEN W. FISHER, J.P.
MARK C. DILLON
JOSEPH COVELLO
THOMAS A. DICKERSON, JJ.

2008-10871

DECISION & ORDER ON MOTION

American Petroleum Equipment & Construction
Company, Inc., respondents, v Montgomery
Distributors, LLC, et al., appellants.

(Index No. 07-10105)

Appeal by the defendants from a decision of the Supreme Court, Westchester County,
dated October 21, 2008.

Now, on the court's own motion, it is

ORDERED that the appeal is dismissed, without costs or disbursements, as no appeal
lies from a decision (*see Schicchi v J. A. Green Constr. Corp.*, 100 AD2d 509), without prejudice
to raising any issues on an appeal from the final judgment.

FISHER, J.P., DILLON, COVELLO and DICKERSON, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

May 28, 2009

AMERICAN PETROLEUM EQUIPMENT & CONSTRUCTION COMPANY, INC. v
MONTGOMERY DISTRIBUTORS, LLC