

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

M87207
E/sl

ROBERT A. SPOLZINO, J.P.
DANIEL D. ANGIOLILLO
CHERYL E. CHAMBERS
L. PRISCILLA HALL, JJ.

2009-00347

DECISION & ORDER ON MOTION
Motion to Dismiss Appeal

Danielo Chery, appellant,
v St. John's Episcopal Hospital, respondent.

(Index No. 10759/08)

Motion by the respondent to dismiss an appeal from an order of the Supreme Court, Kings County, dated July 18, 2008, on the grounds that the appeal is based on an unsigned order and that the appellant is not aggrieved by the order appealed from.


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 on the court's own motion, the appeal is dismissed, without costs or disbursements, on the ground that no appeal lies as of right from an order that is not the result of a motion made on notice (*see* CPLR 5701), and we decline to grant leave to appeal; and it is further,

ORDERED that the motion is denied as academic.

SPOLZINO, J.P., ANGIOLILLO, CHAMBERS and HALL, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

May 28, 2009

CHERY v ST. JOHN'S EPISCOPAL HOSPITAL