

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

M87283
E/sl

WILLIAM F. MASTRO, J.P.
STEVEN W. FISHER
RANDALL T. ENG
L. PRISCILLA HALL, JJ.

2009-04513

DECISION & ORDER ON MOTION

Jean Ives Bougouin, respondent,
v Mary Giorgianni, appellant.

(Index No. 4112-06)

Motion by the appellant to stay the trial in the above-entitled action pending hearing and determination of an appeal from an order of the Supreme Court, Suffolk County, dated February 24, 2009.


Upon the papers filed in support of the motion and the papers filed in opposition 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.

MASTRO, J.P., FISHER, ENG and HALL, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

May 29, 2009

BOUGOUIN v GIORGIANNI