

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

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E/sl

ROBERT A. SPOLZINO, J.P.
DANIEL D. ANGIOLILLO
CHERYL E. CHAMBERS
PLUMMER E. LOTT, JJ.

2008-07851

DECISION & ORDER ON MOTION

SN Realty Corp., etc., respondent,
v 185 Marcy Corp., etc., et al., appellants.

(Index No. 23119/01)

Motion by the appellants, in effect, to hold in abeyance an appeal from an order and interlocutory judgment (one paper) of the Supreme Court, Kings County, dated June 5, 2008, pending a hearing on the issue of damages and a determination of the Supreme Court, Kings County, following that hearing.

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, for failure to timely perfect in accordance with the rules (*see* 22 NYCRR 670.8[e]) and prior orders of the court, without prejudice to raising issues from the order and interlocutory judgment on the appeal from the final judgment; and it is further,

ORDERED that the motion is denied as academic.

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

ENTER:



James Edward Pelzer
Clerk of the Court

June 8, 2009

SN REALTY CORP. v 185 MARCY CORP.