

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

M87982
S/sl

ROBERT A. SPOLZINO, J.P.
FRED T. SANTUCCI
ANITA R. FLORIO
PLUMMER E. LOTT, JJ.

2008-11485

DECISION & ORDER ON APPLICATION

Janine Petracca, respondent,
v Eugene Petracca, appellant.

(Index No. 201099/08)

Application by the appellant pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to perfect an appeal from an order of the Supreme Court, Nassau County, dated November 5, 2008.

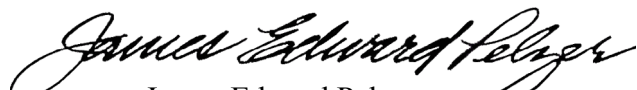
Upon the papers filed in support of the application and the no papers having been filed in opposition thereto, it is

ORDERED that the appeal is dismissed, without costs or disbursements, as no appeal lies as of right from an order which directs a hearing to aid in the determination of a motion (*see Bagdy v Progresso Foods Corp.*, 86 AD2d 589), and leave to appeal has not been granted; and it is further,

ORDERED that the application is denied as academic.

SPOLZINO, J.P., SANTUCCI, FLORIO and LOTT, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

June 15, 2009

PETRACCA v PETRACCA