

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

M88178
E/sl

PETER B. SKELOS, J.P.
DANIEL D. ANGIOLILLO
RUTH C. BALKIN
ARIEL E. BELEN, JJ.

2008-08305, 2009-03897

DECISION & ORDER ON MOTION

In the Matter of George Henderson, et al.,
appellants-respondents, v Zoning Board of
Appeals, et al., respondents, Richard Ottinger,
et al., respondents-appellants.
(Appeal No. 1)

In the Matter of George Henderson, et al.,
appellants, et al., petitioners, v Zoning Board of
Appeals, et al., respondents.
(Appeal No. 2)

(Index No. 07-12351)

Motion by George Henderson, Irene Henderson, Suzanne J. McCory, Leonard Weiss, and Elanor Weiss to stay the issuance of a permanent certificate of occupancy, pending hearing and determination of appeals and a cross appeal from an order of the Supreme Court, Westchester County, entered August 15, 2008, and an appeal from a judgment of the same court entered March 17, 2009, for leave to file a “joint brief,” and for leave to file an oversized brief.

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 appeals and cross appeal from the order entered August 15, 2008 (Appellate Division Docket No. 2008-08305), are dismissed, on the ground that the right of direct appeal therefrom terminated upon entry of the judgment entered March 17, 2009 (Appellate Division Docket No. 2009-03897) (*see Matter of Aho*, 39 NY2d 241); and it is further,

June 18, 2009

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MATTER OF HENDERSON v ZONING BOARD OF APPEALS

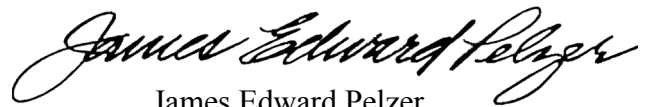
ORDERED that the branch of the motion which is for leave to file a "joint brief" is granted to the extent that George Henderson and Irene Henderson may file a single brief with respect to the appeal from the judgment entered March 17, 2009; and it is further,

ORDERED that the branch of the motion which is for leave to file an oversized brief with respect to the appeal from the judgment entered March 17, 2009, is denied without prejudice to making an application to the Clerk of the court pursuant to 22 NYCRR 670.10.3(e); and it is further,

ORDERED that the motion is otherwise denied.

SKELOS, J.P., ANGIOLILLO, BALKIN and BELEN, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court