

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

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E/cb

STEVEN W. FISHER, J.P.
HOWARD MILLER
DANIEL D. ANGIOLILLO
L. PRISCILLA HALL, JJ.

2009-02138

DECISION & ORDER ON MOTION

In the Matter of Desroches, Joseph & Scott,
M.D., P.C.
Antonio Joseph, Jr., etc., respondent;
David Scott III, appellant.

(Index No. 30222/07)

Motion by the respondent to dismiss an appeal from an order of the Supreme Court, Queens County, entered December 8, 2008, as untimely taken.

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 the motion is granted and the appeal is dismissed, without costs or disbursements (*see Norstar Bank of Upstate NY v Office Control Sys.*, 78 NY2d 1110).

FISHER, J.P., MILLER, ANGIOLILLO and HALL, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

July 1, 2009

MATTER OF DESROCHES, JOSEPH & SCOTT, M.D., P.C.