

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

M88988
S/sl

WILLIAM F. MASTRO, J.P.
JOSEPH COVELLO
RUTH C. BALKIN
JOHN M. LEVENTHAL, JJ.

2009-00709

DECISION & ORDER ON APPLICATION

Kenneth Washington, appellant,
v Queens Organization, LLC, respondent.

(Index No. 8437/07)

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, Queens County, dated November 26, 2008.


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

ORDERED that the appeal is dismissed, without costs or disbursements, as no appeal lies from an order entered upon the default of the appellant (*see Marino v Termini*, 4 AD3d 342); and it is further,

ORDERED that the application is denied as academic.

MASTRO, J.P., COVELLO, BALKIN and LEVENTHAL, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

July 7, 2009

WASHINGTON v QUEENS ORGANIZATION, LLC