

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

M89305  
B/sl

A. GAIL PRUDENTI, P.J.  
WILLIAM F. MASTRO  
REINALDO E. RIVERA  
ROBERT A. SPOLZINO  
PETER B. SKELOS, JJ.

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2009-00941

ORDER ON APPLICATION

Susan Klinger, appellant,  
v Thorton-Burns Owners, et al., respondents.

(Index No. 18661/05)

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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 December 23, 2008.


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

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

ORDERED that the application is denied as academic.

PRUDENTI, P.J., MASTRO, RIVERA, SPOLZINO and SKELOS, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

July 13, 2009

KLINGER v THORTON-BURNS OWNERS