

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

M89368
E/sl

MARK C. DILLON, J.P.
DANIEL D. ANGIOLILLO
THOMAS A. DICKERSON
RANDALL T. ENG, JJ.

2009-05809, 2009-05810

DECISION & ORDER ON MOTION

In the Matter of Marion C. W. (Anonymous).
Patricia D. (Anonymous), et al., petitioners;
Steven M. (Anonymous), et al., respondents.

(Index No. 100303/07)

Motion by the petitioners for leave to appeal to this court from a decision of the Supreme Court, Kings County, dated May 26, 2009, and an order of the same court dated November 21, 2008, and to enjoin Steven M. and Thomas M. from transferring the property of the person alleged to be incapacitated, pending hearing and determination of the appeal.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the branch of the motion which is for leave to appeal is denied; and it is further,

ORDERED that on the court's own motion, the appeal purportedly taken as of right from the order dated November 20, 2008 (Appellate Division Docket No. 2009-05810), is dismissed, without costs or disbursements, on the ground that no appeal lies as of right from an order that is not the result of a motion made on notice (*see* CPLR 5701), and we decline to grant leave to appeal; and it is further,

July 13, 2009

MATTER OF W. (ANONYMOUS), MARION C.

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ORDERED that the branch of the motion which is to enjoin Steven M. and Thomas M. from transferring the property of the person alleged to be incapacitated, pending hearing and determination of the appeals, is denied as academic.

DILLON, J.P., ANGIOLILLO, DICKERSON and ENG, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive style with a large, sweeping initial "J".

James Edward Pelzer
Clerk of the Court