

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

M89442
S/sl

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

2009-01510

DECISION & ORDER ON APPLICATION

Matthew Gelfand, et al., plaintiffs-respondents,
v Adjo Contracting Corp., defendant-respondent,
Town of Hempstead, appellant
(and a third-party action).

(Index No. 13652/05)

Application by the appellant pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to perfect an appeal from a decision of the Supreme Court, Nassau County, dated January 21, 2009.

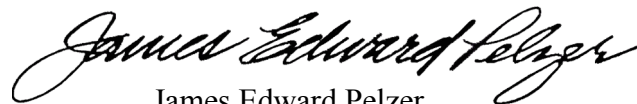
Upon the papers filed in support of the application and no papers having been filed in opposition thereto, it is

ORDERED that the appeal is dismissed, without costs or disbursements, as no appeal lies from a decision (*see Schicchi v J. A. Green Constr. Corp.*, 100 AD2d 509); 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 15, 2009

GELFAND v ADJO CONTRACTING CORP.