

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

M89523
S/cb

WILLIAM F. MASTRO, J.P.
PETER B. SKELOS
ANITA R. FLORIO
CHERYL E. CHAMBERS, JJ.

2009-01054

DECISION & ORDER ON MOTION

In the Matter of VNF Realty Corp.
Frank Guido, petitioner-respondent;
Umberto Guido, Jr., intervenor-petitioner
respondent; Nicholas R. Infantino, et al.,
appellants.

(Index No. 27869/06)

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, Kings County, dated December 9, 2008.

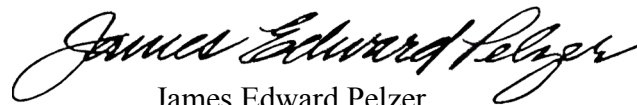
Upon the papers filed in support of the application and no papers having been filed in opposition thereto, it is

ORDERED that the appeal is dismissed, without costs or disbursements, as no appeal lies from 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.

MASTRO, J.P., SKELOS, FLORIO and CHAMBERS, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

July 17, 2009

MATTER OF VNF REALTY CORP.