

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

M89715  
E/sl

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

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2009-04354

DECISION & ORDER ON MOTION

Claudia Brown, respondent,  
v Ralph Brown, appellant.

(Index No. 32030-07)

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Motion by the appellant for leave to prosecute an appeal from a judgment of the Supreme Court, Suffolk County, entered April 16, 2009, as a poor person and for the assignment of counsel.

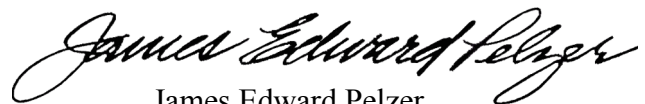
Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that on the court's own motion, the appeal is dismissed, without costs or disbursements, as no appeal lies from a judgment entered upon the default of the appellant (*see Marino v Termini*, 4 AD3d 342); and it is further,

ORDERED that the motion is denied as academic.

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

ENTER:



James Edward Pelzer  
Clerk of the Court

July 21, 2009

BROWN v BROWN