

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

M89782
E/sl

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

2009-04318

DECISION & ORDER ON MOTION

Robin Gibbs, et al., appellants-respondents,
v Marc Liebowitz, et al., respondents, Town
of Riverhead, et al., respondents-appellants.

(Index No. 38715-08)

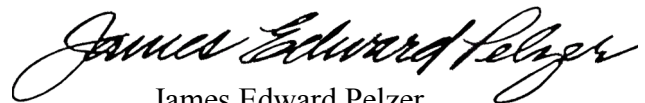
Motion by the respondents to dismiss an appeal and cross appeal from an order of the Supreme Court, Suffolk County, entered March 13, 2009, on the ground that no appeal lies as of right from an intermediate order in a proceeding pursuant to CPLR article 78.

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

ORDERED that the motion is denied.

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

ENTER:



James Edward Pelzer
Clerk of the Court

July 22, 2009

GIBBS v LEIBOWITZ