

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

M90058  
S/sl

REINALDO E. RIVERA, J.P.  
RANDALL T. ENG  
JOHN M. LEVENTHAL  
L. PRISCILLA HALL, JJ.

---

2009-06651

DECISION & ORDER ON MOTION

Wells Fargo Equipment Finance, Inc., respondent,  
v Ahava Food Corp., et al., appellants, et al.,  
defendant.

(Index No. 07-10300)

---

Appeal by Ahava Food Corp., St. Lawrence Food Corp., and Lewis County Dairy Corp., from an order and judgment (one paper) of the Supreme Court, Rockland County, dated May 28, 2009.

Now, on the court's own motion, it is

ORDERED that the appeal is dismissed, without costs or disbursements, as no appeal lies from an order entered upon the default of the appealing party (*see* CPLR 5511).

RIVERA, J.P., ENG, LEVENTHAL and HALL, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

July 29, 2009

WELLS FARGO EQUIPMENT FINANCE, INC. v AHAVA FOOD CORP.