

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

M90210
S/sl

PETER B. SKELOS, J.P.
THOMAS A. DICKERSON
ARIEL E. BELEN
LEONARD B. AUSTIN, JJ.

2009-06116, 2009-06117

DECISION & ORDER ON MOTION

Philip T. Pezolano, et al., respondents,
v Incorporated City of Glen Cove, defendant,
Willibe Wilson, appellant.
(Appeal No. 1)

(Index No. 16667/05)

Wells Fargo Bank, N.A., etc., plaintiff,
v Willibe Wilson, appellant, et al., defendants;
Philip T. Pezolano, et al., nonparty-respondents.
(Appeal No. 2)

(Index No. 19390/06)

Motion by the appellant, inter alia, to stay enforcement of an order of the Supreme Court, Nassau County, dated June 17, 2009, entered in the action entitled *Wells Fargo Bank, N.A., v Wilson*, pending hearing and determination of an appeal from that order and an appeal from an order of the same court dated April 27, 2009, entered in the action entitled *Pezolano v Incorporated City of Glen Cove*. Cross motion by the respondents to dismiss the appeal from the order dated June 17, 2009, on the ground that no appeal lies from an order entered upon the appellant's default.

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

July 31, 2009

PEZOLANO v INCORPORATED CITY OF GLEN COVE

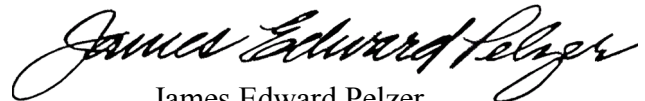
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ORDERED that the motion is denied; and it is further,

ORDERED that the cross motion is granted and the appeal from the order dated June 17, 2009 (Appellate Division Docket No. 2009-06117), is dismissed, without costs or disbursements (*see Marino v Termini*, 4 AD3d 342).

SKELOS, J.P., DICKERSON, BELEN and AUSTIN, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive style with a large, looping initial "J".

James Edward Pelzer
Clerk of the Court