

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

M90957
E/sl

MARK C. DILLON, J.P.
DANIEL D. ANGIOLILLO
RUTH C. BALKIN
LEONARD B. AUSTIN, JJ.

2009-06084, 2009-06085

DECISION & ORDER ON MOTION
Motion to Dismiss Appeal

Jantek, Inc., d/b/a Jantek Computers, appellant,
v Jaymar Marketing, Inc., et al., respondents.

(Index No. 23208/07)

Motion by the respondents to dismiss appeals from an order and a judgment of the Supreme Court, Nassau County, entered October 7, 2008, and May 4, 2009, respectively, as untimely taken.

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

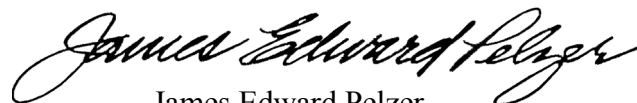
ORDERED that on the court's own motion, the appeal from the order entered October 7, 2008 (Appellate Division Docket No. 2009-06084), is dismissed, without costs or disbursements, on the ground that the right of direct appeal therefrom terminated upon entry of the judgment entered May 4, 2009 (*see Matter of Aho*, 39 NY2d 241); and it is further,

ORDERED that the branch of the motion which is to dismiss the appeal from the order entered October 7, 2008, as untimely taken is denied as academic; and it is further,

ORDERED that the branch of the motion which is to dismiss the appeal from the judgment entered May 4, 2009, as untimely taken is granted and the appeal is dismissed, without costs or disbursements (*see CPLR 5513[a]*).

DILLON, J.P., ANGIOLILLO, BALKIN and AUSTIN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

August 18, 2009

JANTEK, INC., d/b/a JANTEK COMPUTERS v JAYMAR MARKETING, INC.