

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

M91572
E/sl

STEVEN W. FISHER, J.P.
FRED T. SANTUCCI
RANDALL T. ENG
L. PRISCILLA HALL, JJ.

2008-09921

DECISION & ORDER ON MOTION
Motion to Dismiss Appeal

Elda Frederique, respondent,
v Louis Gachette, appellant,
et al., defendant.

(Index No. 493/07)

Motion by the respondent to dismiss an appeal from an order of the Supreme Court, Queens County, entered September 23, 2009, for failure to timely perfect.

Upon the papers filed in support of the motion and no papers having been filed in opposition or in relation thereto, it is

ORDERED that the motion is granted and the appeal is dismissed, without costs or disbursements, for failure to timely perfect in accordance with the rules of this court (*see* 22 NYCRR 670.8[e]).

FISHER, J.P., SANTUCCI, ENG and HALL, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

September 3, 2009

FREDERIQUE v GACHETTE