

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

M94008  
E/sl

REINALDO E. RIVERA, J.P.  
THOMAS A. DICKERSON  
L. PRISCILLA HALL  
PLUMMER E. LOTT, JJ.

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2009-05257

DECISION & ORDER ON MOTION  
Motion to Dismiss Appeal

Fredric P. Shaw, et al., appellants-respondents,  
v RPA Associates, LLC, et al., respondents-  
appellants, Patriot Ridge Development, LLC,  
defendant third-party plaintiff-respondent;  
Rockbusters, etc., third-party defendant-  
respondent.

(Index No. 06-21503)

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Motion by the third-party defendant-respondent on an appeal and cross appeal from a judgment of the Supreme Court, Westchester County, dated April 22, 2009, to dismiss the appeal on the ground that review is precluded by the dismissal of appeals from two orders of the same court dated August 11, 2008, and November 18, 2008, which were dismissed by decision and order on motion of this court dated March 23, 2009. Separate motion by the respondents-appellants and the defendant third-party plaintiff-respondent for the same relief.

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

ORDERED that the motions are denied.

RIVERA, J.P., DICKERSON, HALL and LOTT, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

November 2, 2009

SHAW v RPA ASSOCIATES, LLC