

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

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_____AD3d_____

Submitted - February 27, 2008

PETER B. SKELOS, J.P.
FRED T. SANTUCCI
JOSEPH COVELLO
WILLIAM E. McCARTHY
CHERYL E. CHAMBERS, JJ.

2007-03380

DECISION & ORDER

In the Matter of Arthur Willie Stewart, deceased.
Doreen Stewart, appellant; Public Administrator of
Nassau County, et al., respondents.

(File No. 340211)

William D. Friedman, Hempstead, N.Y., for appellant.

Brosnan & Hegler, LLP, Garden City, N.Y. (Mark J. Brosnan and Michael J. Brescia
of counsel), for respondent Public Administrator of Nassau County.

In a proceeding, inter alia, to revoke letters of administration issued to the Public Administrator of Nassau County for the estate of Arthur Willie Stewart, the petitioner appeals from a decree of the Surrogate's Court, Nassau County (Riordan, S.), dated March 6, 2007, which, upon the granting of the application of the respondent Public Administrator of Nassau County to dismiss the petition upon her default in appearing at a court-ordered conference, dismissed the petition.

ORDERED that the appeal is dismissed, with costs.

Since the decree dismissing the petition was entered upon the petitioner's default in appearing at a court-ordered conference, it is not appealable (*see* CPLR 5511; *Matter of Joseph Kenneth B.*, 47 AD3d 809; *Matter of Jaiyeola-Akintunde J.*, 8 AD3d 281; *Matter of Vanessa M.*, 263 AD2d 542, 543).

SKELOS, J.P., SANTUCCI, COVELLO, McCARTHY and CHAMBERS, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

April 8, 2008

MATTER OF STEWART, DECEASED