

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

D55229
G/htr

_____AD3d_____

Argued - March 27, 2018

CHERYL E. CHAMBERS, J.P.
LEONARD B. AUSTIN
ROBERT J. MILLER
JOSEPH J. MALTESE, JJ.

2016-04531

DECISION & ORDER

In the Matter of Scott Wood, etc., et al., respondents,
v Port Washington Police District, et al., appellants.

(Index No. 9629/15)

Bond, Schoeneck & King, PLLC, Garden City, NY (Richard S. Finkel and Christopher T. Kurtz of counsel), for appellants.

Certilman Balin Adler & Hyman, LLP, East Meadow, NY (Paul S. Linzer, Jennifer A. Bentley, and Stephen McQuade of counsel), for respondents.

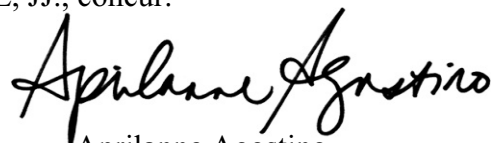
In a proceeding pursuant to CPLR article 78, the Port Washington Police District, and James B. Duncan, Angela L. Mullins, and David Franklin, as members of the Board of Police Commissioners for the Port Washington Police Department, appeal from an order of the Supreme Court, Nassau County (Julianne T. Capetola, J.), entered March 25, 2016. The order, insofar as appealed from, in effect, directed further discovery.

ORDERED that the appeal is dismissed, with costs.

The order appealed from is not appealable as a matter of right, as no appeal lies as of right from a nonfinal order in a proceeding pursuant to CPLR article 78 (*see* CPLR 5701[b][1]; *Matter of Scarcella v Village of Scarsdale Bd. of Trustees*, 72 AD3d 831). Leave to appeal has not been granted and, under the circumstances of this case, we decline to grant leave to appeal sua sponte (*see* CPLR 5701[c]; *Matter of Young Israel of Merrick v Board of Appeals of Town of Hempstead*, 304 AD2d 834).

CHAMBERS, J.P., AUSTIN, MILLER and MALTESE, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

May 2, 2018

MATTER OF WOOD v PORT WASHINGTON POLICE DISTRICT