

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

M243829
E/afa

ALAN D. SCHEINKMAN, P.J.
WILLIAM F. MASTRO
REINALDO E. RIVERA
MARK C. DILLON
RUTH C. BALKIN, JJ.

2017-07505, 2017-07506

DECISION & ORDER ON MOTION

Dana Davino, respondent,
v Anthony Davino, appellant.

(Index No. 50244/13)

Application by the appellant pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to perfect appeals from a decision of the Supreme Court, Richmond County, dated June 16, 2017, and an order of the same court also dated June 16, 2017.

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

ORDERED that on the Court's own motion, the appeal from the decision is dismissed, without costs or disbursements, on the ground that no appeal lies from a decision (*see Schicchi v J.A. Green Constr. Co.*, 100 AD2d 509); and it is further,

ORDERED that on the Court's own motion, the appeal from the order is dismissed, without costs or disbursements, on the ground that no appeal lies as of right from an order that is not the result of a motion made on notice (*see CPLR 5701*), and leave to appeal has not been granted; and it is further,

ORDERED that the application is denied as academic.

SCHEINKMAN, P.J., MASTRO, RIVERA, DILLON and BALKIN, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

January 5, 2018

DAVINO v DAVINO