

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

M245937  
E/rr

LEONARD B. AUSTIN, J.P.  
SHERI S. ROMAN  
SANDRA L. SGROI  
FRANCESCA E. CONNOLLY, JJ.

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2018-00330

DECISION & ORDER ON MOTION

Elizabeth Garcia, appellant,  
v Leonard D. Garcia, respondent.

(Index No. 21001/10)

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Motion by the appellant, inter alia, to stay entry of a judgment in the above-entitled action pending hearing and determination of an appeal from a decision of the Supreme Court, Queens County, dated November 9, 2017.

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 on the Court's own motion, the appeal 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 the motion is denied as academic.

AUSTIN, J.P., ROMAN, SGROI and CONNOLLY, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court

February 22, 2018

GARCIA v GARCIA