

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

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WILLIAM F. MASTRO, J.P.
MARK C. DILLON
JOSEPH J. MALTESE
HECTOR D. LASALLE, JJ.

2017-07356

DECISION & ORDER ON MOTION

Scott R. McLucas, respondent,
v Hope A. McLucas, appellant.

(Index No. 4398/15)

Application by the appellant pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to perfect an appeal from a decision and order (one paper) of the Supreme Court, Dutchess County, dated June 5, 2017. By order to show cause dated February 6, 2018, the parties were directed to show cause why the appeal should or should not be dismissed on the ground that no appeal lies from a decision, and that no appeal lies as of right from an order that is not the result of a motion made on notice and leave to appeal has not been granted.

Now, upon the order to show cause and the papers filed in response thereto, and upon the papers filed in support of the application and the papers filed in opposition thereto, it is

ORDERED that the motion to dismiss the appeal is granted, and the appeal is dismissed, without costs or disbursements (*see* CPLR 5701; *Schicchi v J.A. Green Constr. Co.*, 100 AD2d 509); and it is further,

ORDERED that the application is denied as academic.

MASTRO, J.P., DILLON, MALTESE and LASALLE, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

March 15, 2018

McLUCAS v McLUCAS