

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

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JOHN M. LEVENTHAL, J.P.
SANDRA L. SGROI
HECTOR D. LASALLE
VALERIE BRATHWAITE NELSON, JJ.

2017-08573

DECISION & ORDER ON MOTION

Anthony Falco, etc., respondent,
v Raheem Miller, appellant.

(Index No. 606648/15)

2018-00302

Anthony Falco, etc., respondent,
v Raheem Miller, appellant.

(Index No. 606648/15)

Motion by the appellant to consolidate appeals from a decision of the Supreme Court, Suffolk County, dated June 19, 2017, and a judgment of the same court dated September 28, 2017. Cross motion by the respondent to dismiss the appeal from the decision on the ground that the right of direct appeal therefrom terminated upon entry of the judgment or for failure to timely perfect. Application by the appellant pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to perfect the appeal from the decision.

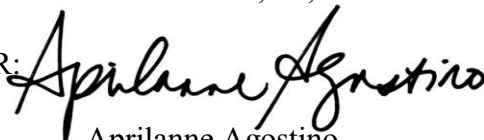
Upon the papers filed in support of the motion and the papers filed in opposition thereto, and upon the papers filed in support of the cross motion and the application, and no papers having been filed in opposition or in relation thereto, it is

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 the motion, the cross motion and the application are denied as academic.

LEVENTHAL, J.P., SGROI, LASALLE and BRATHWAITE NELSON, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

April 5, 2018

FALCO v MILLER