

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

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CA 25-01019

PRESENT: MONTOUR, J.P., OGDEN, GREENWOOD, NOWAK, AND HANNAH, JJ.

TOWN OF NEW HARTFORD, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

MEAZ ALAGIC, DEFENDANT-APPELLANT.

STEPHANIE R. DIGIORGIO, UTICA, FOR DEFENDANT-APPELLANT.

JOHN P. ORILIO, HINCKLEY, FOR PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Oneida County (Mark R. Rose, J.), entered November 19, 2024. The order prohibited defendant from impeding access to a right-of-way and scheduled further proceedings on damages.

It is hereby ORDERED that said appeal is unanimously dismissed without costs.

Memorandum: Defendant appeals from a non-final liability order, following a bench trial, that prohibited defendant from impeding access to a right-of-way and scheduled further proceedings on damages. The appeal must be dismissed inasmuch as the order appealed from is not a final judgment and is not an order deciding a motion made upon notice (see generally CPLR 5701 [a] [1], [2]; *Paese v Paese*, 175 AD3d 506, 506 [2d Dept 2019]; *Rossi v Morse*, 153 AD3d 1637, 1637 [4th Dept 2017]). Defendant did not seek leave to appeal from the order, and we decline to treat the notice of appeal as an application for leave to appeal (see CPLR 5701 [c]; *Gena v Mu*, 240 AD3d 1405, 1406 [4th Dept 2025]).

Entered: June 26, 2026

Ann Dillon Flynn
Clerk of the Court