

State of New York
Supreme Court, Appellate Division
Third Judicial Department

Decided and Entered: July 18, 2008

Case # 504914

TOWN OF ESSEX et al.,

Appellants,

v

**DECISION AND ORDER
ON MOTION**

LEWIS FAMILY FARM, INC.,

Respondent.

Motion to dismiss appeal for failure of prosecution.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the appeal is dismissed, without costs, unless appellants shall file and serve the record and brief on or before September 16, 2008, in which event the motion is denied.

CARDONA, P.J., MERCURE, CARPINELLO, ROSE and KANE, JJ., concur.

ENTER:

A handwritten signature in black ink, appearing to read "Michael J. Novack", written over a horizontal line.

Michael J. Novack
Clerk of the Court