

NEW YORK COURT OF APPEALS

Wechsler v. People

Wechsler v. People, 75 N.Y.2d 808 · Decided January 18, 1990

SUMMARY

****Topics:**** Appellate procedure; dismissal for failure to prosecute; prior dismissal of same appeal.

****Holding:**** The New York Court of Appeals dismissed the appeal because the plaintiff had already appealed from the same Appellate Division order, and that prior appeal had been dismissed for failure to prosecute. The court granted the motion to dismiss the subsequent appeal as duplicative and procedurally barred.

OPINION

PER CURIAM.

Motion to dismiss appeal granted and appeal dismissed upon the ground that plaintiff's appeal from the same order of the Appellate Division was previously dismissed for failure to prosecute. [See, 74 NY2d 793.]