

34 N.Y.2d 666, \*; 311 N.E.2d 653;  
355 N.Y.S.2d 583; 1974 N.Y. LEXIS 1671, \*\*

**Kennilwood Owners Association, Inc., Appellant, v. Irving Spanier et al., Respondents**

[NO NUMBER IN ORIGINAL]

**Court of Appeals of New York**

*c*

**March 20, 1974, Argued**

**March 29, 1974, Decided**

**PRIOR HISTORY:**  [\*\*1] Reported below, *42 A D 2d 571*.

Appeal from an order of the Appellate Division of the Supreme Court in the Second Judicial Department, entered June 4, 1973, which, by a divided court, affirmed an order of the Supreme Court (Manuel W. Levine, J.), entered in Nassau County, denying a motion by plaintiff to declare a settlement stipulation null and void.

**DISPOSITION:**  Appeal dismissed, without costs, upon the ground that the order appealed from does not finally determine the action within the meaning of the Constitution.

**HEADNOTES**

**Appeal -- Court of Appeals -- nonfinal order -- order which denied motion by plaintiff to declare settlement stipulation null and void is not final -- appeal therefrom dismissed.**

**COUNSEL:** *Cye E. Ross* for appellant.

*Samuel Kirschenbaum* and *Jerome I. Lessne* for respondent.

**OPINION**

[\*667] Appeal dismissed, without costs, upon the ground that the order appealed from does not finally determine the action within the meaning of the Constitution.

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