

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

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_____AD3d_____

Argued - October 23, 2017

MARK C. DILLON, J.P.
JOHN M. LEVENTHAL
SYLVIA O. HINDS-RADIX
HECTOR D. LASALLE, JJ.

2015-11270

DECISION & ORDER

American Home Mortgage Servicing, Inc., plaintiff,
v Bruce H. Kaplan, appellant, et al., defendants.

(Index No. 11319/08)

Bruce H. Kaplan, New York, NY, appellant pro se.

Locke Lord LLP, New York, NY (Casey B. Howard and Samantha Ingram of counsel), for plaintiff.


Appeal from an order of the Supreme Court, Suffolk County (W. Gerard Asher, J.), dated August 27, 2015. The order, sua sponte, vacated an order of that court dated January 6, 2015, and provided that an order of that court dated August 5, 2015, “stands as the Order and Decision of this Court.”

ORDERED that the appeal from the order dated August 27, 2015, is dismissed, without costs or disbursements.

The appeal must be dismissed, as no appeal lies as of right from an order that does not decide a motion made on notice (*see* CPLR 5701[a][2]), and, under the particular circumstances of this case, we decline to grant leave to appeal.

DILLON, J.P., LEVENTHAL, HINDS-RADIX and LASALLE, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court

January 10, 2018

AMERICAN HOME MORTGAGE SERVICING, INC. v KAPLAN