

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

D56135  
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Argued - April 10, 2018

ALAN D. SCHEINKMAN, P.J.  
SHERI S. ROMAN  
SANDRA L. SGROI  
JOSEPH J. MALTESE, JJ.

2016-12610

DECISION & ORDER

Vincent Rantinella, respondent, v Francisco M. Tomas,  
et al., defendants, Dona Mercedes Corp., etc., et al., appellants.

(Index No. 32430/12)

Almanzar-Paramio Law, LLC, Babylon, NY (Omar Almanzar-Paramio of counsel),  
for appellants.

Rosenbaum & Rosenbaum, P.C., New York, NY (Matthew T. Gammons of counsel),  
for respondent.

In an action, inter alia, to recover damages for personal injuries, the defendants Dona Mercedes Corp. and Armando Velasquez appeal from an order of the Supreme Court, Suffolk County (Daniel Martin, J.), dated April 10, 2015. The order, insofar as appealed from, granted that branch of the plaintiff's motion which was for leave to enter a default judgment against those defendants and denied the application of those defendants, in effect, for leave to serve a late answer.

ORDERED that the appeal is dismissed, with costs.

An appeal must be taken "within thirty days after service by a party upon the appellant of a copy of the judgment or order appealed from and written notice of its entry" (CPLR 5513[a]). The time period for filing a notice of appeal is nonwaivable and jurisdictional (*see Matter of Wei v New York State Dept. of Motor Vehs.*, 56 AD3d 484; *Jones Sledzik Garneau & Nardone, LLP v Schloss*, 37 AD3d 417). Here, the plaintiff served the order appealed from and notice of entry on April 28, 2015. The appellants did not file their notice of appeal until approximately 19 months

July 25, 2018

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later. Accordingly, the appeal must be dismissed as untimely taken.

SCHEINKMAN, P.J., ROMAN, SGROI and MALTESE, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "Aprilanne Agostino". The signature is written in a cursive, flowing style.

Aprilanne Agostino  
Clerk of the Court