

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

D57019
Q/mm

_____AD3d_____

Argued - June 7, 2018

REINALDO E. RIVERA, J.P.
CHERYL E. CHAMBERS
COLLEEN D. DUFFY
ANGELA G. IANNACCI, JJ.

2016-00196

DECISION & ORDER

33-37 Farrington, LLC, respondent,
v Global Universal Group, Ltd., appellant,
et al., defendants.

(Index No. 1491/12)

Victor Tsai, Brooklyn, NY, for appellant.

Wilk Auslander LLP, New York, NY (Pamela L. Kleinberg of counsel), for respondent.

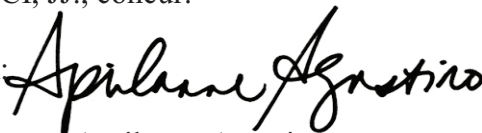
In an action to foreclose a mortgage, the defendant Global Universal Group, Ltd., appeals from an order of the Supreme Court, Queens County (Salvatore J. Modica, J.), dated October 13, 2015. The order, insofar as appealed from, granted those branches of the plaintiff's motion which were to confirm a referee's report of the same court dated September 12, 2014, and for an award of an attorney's fee, and denied that branch of the cross motion of the defendant Global Universal Group, Ltd., which was to reject stated portions of the referee's report.

ORDERED that the appeal is dismissed, with costs.

The appeal from the order must be dismissed because the right of direct appeal therefrom terminated with the entry of judgment in the action (*see Matter of Aho*, 39 NY2d 241, 248). The issues raised on the appeal from the order are brought up for review and have been considered on the appeal from the amended judgment of foreclosure and sale (*see CPLR 5501[a][1]; 33-37 Farrington, LLC v Global Universal Group, Ltd.*, ___ AD3d ___ [Appellate Division Docket No. 2016-12593; decided herewith]).

RIVERA, J.P., CHAMBERS, DUFFY and IANNACCI, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

October 24, 2018

33-37 FARRINGTON, LLC v GLOBAL UNIVERSAL GROUP, LTD.