

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

D57334  
O/afa

\_\_\_\_\_AD3d\_\_\_\_\_

Argued - June 5, 2018

MARK C. DILLON, J.P.  
SHERI S. ROMAN  
SYLVIA O. HINDS-RADIX  
VALERIE BRATHWAITE NELSON, JJ.

---

2016-04973

DECISION & ORDER

Roseanne Logan, respondent,  
v Pula 200, LLC, et al., appellants.

(Index No. 8654/14)

---

Craig Stuart Lanza, Brooklyn, NY, for appellants.

Heslop & Kalba, LLP, Brooklyn, NY (Garfield A. Heslop of counsel), for respondent.

In an action, inter alia, pursuant to RPAPL article 15 to quiet title to real property, the defendants appeal from an order of the Supreme Court, Kings County (Debra Silber, J.), dated March 15, 2016. The order, insofar as appealed from, referred the plaintiff's cross motion to impose sanctions on the defendants' attorney to a referee for a hearing.

ORDERED that the appeal is dismissed, with costs.

The plaintiff commenced this action, inter alia, pursuant to RPAPL article 15 to quiet title to real property. Thereafter, certain defendants moved, inter alia, to enforce a stipulation of settlement. The plaintiff cross-moved to impose sanctions on the defendants' attorney for filing a frivolous motion. In an order dated March 15, 2016, the Supreme Court, among other things, referred the plaintiff's cross motion to a referee for a hearing. The defendants appeal, as limited by their brief, from that portion of the order.

The appeal must be dismissed, as the defendants are not aggrieved by the portion of the order appealed from (*see* CPLR 5511; *Day v Syosset Cent. Sch. Dist.*, 105 AD3d 888; *Vigo v 501*

November 21, 2018


LOGAN v PULA 200, LLC

Page 1.

*Second St. Holding Corp.*, 100 AD3d 872; *Impastato v Impastato*, 62 AD3d 752, 752) and, in any event, no appeal lies as of right from an order which does not determine a motion made on notice (see CPLR 5701[a][2]). Under the circumstances of this case, we cannot appropriately deem the notice of appeal filed in the names of the defendants to be an application for leave to appeal by their attorney (see *Scopelliti v Town of New Castle*, 92 NY2d 944; *Day v Syosset Cent. Sch. Dist.*, 105 AD3d at 889).

DILLON, J.P., ROMAN, HINDS-RADIX and BRATHWAITE NELSON, JJ., concur.

ENTER:

  
Aprilanne Agostino  
Clerk of the Court