

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

M241197

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SHERI S. ROMAN, J.P.  
JOSEPH J. MALTESE  
HECTOR D. LASALLE  
BETSY BARROS, JJ.

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2017-02134

DECISION & ORDER ON MOTION

HSBC Bank USA, N.A., respondent,  
v Arlene B. Thomas, also known as  
Arlene Vaterpool, et al., appellants.

(Index No. 34500/07)

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Application by the appellant Leonard L. Miles, Jr., pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to perfect his appeal from an order of the Supreme Court, Suffolk County, dated November 9, 2016, and for an enlargement of time to perfect a purported appeal by Arlene B. Thomas, also known as Arlene Vaterpool, from the same order. By order to show cause dated August 28, 2017, the parties were directed to show cause before this Court why an order should or should not be made and entered dismissing the appeal by Leonard L. Miles, Jr., on the ground that he was not aggrieved by the order and dismissing the purported appeal by Arlene B. Thomas, also known as Arlene Vaterpool, on the ground that Leonard L. Miles, Jr., who filed the notice of appeal on her behalf, was not authorized to file a notice of appeal on her behalf, and the application was held in abeyance in the interim. Motion by the appellants to stay their eviction from the subject premises.

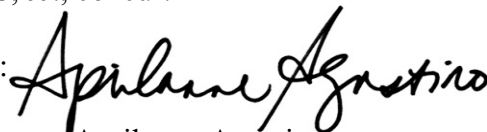
Now, upon the order to show cause and the papers having been filed in response thereto, upon the papers filed in support of the application and the papers filed in opposition thereto, and upon the papers filed in support of the appellants' motion and the papers filed in opposition thereto, it is

ORDERED that the motion to dismiss the appeal is granted, and the appeal by Leonard L. Miles, Jr., and the purported appeal by Arlene B. Thomas, also known as Arlene Vaterpool, are dismissed, without costs or disbursements (*see* CPLR 5511; CPLR 321[a]); and it is further,

ORDERED that the application and the appellants' motion are denied as academic.

ROMAN, J.P., MALTESE, LASALLE and BARROS, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court

June 27, 2018

HSBC BANK USA, N.A. v THOMAS, also known as VATERPOOL