

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

M244083  
E/sl

L. PRISCILLA HALL, J.P.  
SANDRA L. SGROI  
JEFFREY A. COHEN  
FRANCESCA E. CONNOLLY, JJ.

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2017-09222, 2017-13353

DECISION & ORDER ON MOTION

Paul Kandel, et al., plaintiffs, v FN; Taxi; Inc., etc.,  
et al., defendants, Brickman Group, Ltd., LLC,  
respondent, Port Authority of New York and New  
Jersey, appellant.  
(Action No. 1)

Robert Flavors, et al., plaintiffs, v FN; Taxi; Inc., etc.,  
et al., defendants, Brickman Group, Ltd., LLC, respondent,  
Port Authority of New York and New Jersey, appellant.  
(Action No. 2)

(Index Nos. 3625/09, 27151/09)

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Motion by the respondent to dismiss an appeal from an order of the Supreme Court, Kings County, dated June 28, 2017, on the ground that the right of direct appeal therefrom terminated upon entry of a judgment of the same court in the above-entitled action dated September 12, 2017.

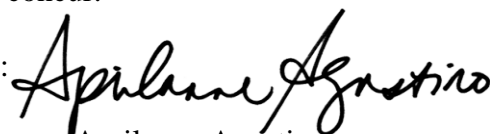
Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that on the Court's own motion, the notice of appeal from the order is deemed also to be a notice of appeal from the judgment (*see* CPLR 5501[c]); and it is further,

ORDERED that the motion is held in abeyance and referred to the panel of Justices hearing the appeal for determination upon the argument or submission thereof.

HALL, J.P., SGROI, COHEN and CONNOLLY, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court

January 22, 2018

KANDEL v FN; TAXI; INC.