

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

M244108
E/sl

MARK C. DILLON, J.P.
ROBERT J. MILLER
BETSY BARROS
LINDA CHRISTOPHER, JJ.

2017-02364

DECISION & ORDER ON MOTION

Board of Managers of Village Mall At Hillcrest
Condominium, respondent, v Sunil Banerjee,
et al., appellants.

(Index No. 14092/14)

Appeals from an order of the Supreme Court, Queens County, dated December 22, 2016. By order to show cause dated October 20, 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 insofar as taken by Sunil Banerjee on the ground that the notice of appeal dated January 23, 2017, was filed in violation of the statutory stay of proceedings which arose upon his death, on January 3, 2017, and that the attorney who filed the notice of appeal lacked authority to act on behalf of the deceased.

Now, upon the order to show cause and the papers filed in response thereto, it is

ORDERED that the motion to dismiss the appeal purportedly taken by Sunil Banerjee is granted, and the appeal purportedly taken by Sunil Banerjee is dismissed, without costs or disbursements (*see* CPLR 1015[a]; *JP Morgan Chase Bank, N.A. v Rosemberg*, 90 AD3d 713; *Lewis v Kessler*, 12 Ad3d 421, 422).

DILLON, J.P., MILLER, BARROS and CHRISTOPHER, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

January 22, 2018

BOARD OF MANAGERS OF VILLAGE MALL AT HILLCREST CONDOMINIUM v
BANERJEE