

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

M244132  
E/afa

MARK C. DILLON, J.P.  
SYLVIA O. HINDS-RADIX  
JOSEPH J. MALTESE  
HECTOR D. LASALLE, JJ.

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2017-00715

DECISION & ORDER ON MOTION

Carmine Dell Aquila, appellant, v Thomas  
Rubio, etc., et al., respondents, et al., defendant.

(Index No. 33561/12)

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Motion by the respondents to dismiss stated portions of an appeal from an order of the Supreme Court, Suffolk County, dated November 21, 2016, on the ground that no appeal lies from an order denying reargument.

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

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; and it is further,

ORDERED that on the Court's own motion, the respondents time to serve and file a brief is enlarged until February 8, 2018, and the respondents brief, if any, shall be served and filed on or before that date.

DILLON, J.P., HINDS-RADIX, MALTESE and LASALLE, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court

January 8, 2018

AQUILA v RUBIO