

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

M244139
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MARK C. DILLON, J.P.
SYLVIA O. HINDS-RADIX
JOSEPH J. MALTESE
HECTOR D. LASALLE, JJ.

2016-11675

DECISION & ORDER ON MOTION

U.S. Bank Trust, N.A., etc., respondent,
v Carl DeLuca, appellant, et al., defendant.

(Index No. 31920/11)

Motion by the respondent to dismiss an appeal from an order of the Supreme Court, Rockland County, dated November 7, 2016, on the grounds that no appeal lies from an order issued ex parte and the record is inadequate, or, in the alternative, to enlarge the time to serve and file a brief.

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

ORDERED that the branch of the motion which is to enlarge the time to serve and file a brief is granted, the respondent's time to serve and file a brief is enlarged until February 8, 2018, and the respondent's brief shall be served and filed on or before that date; and it is further,

ORDERED that the motion is otherwise denied.

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

ENTER:



Aprilanne Agostino
Clerk of the Court

January 8, 2018

U.S. BANK TRUST, N.A. v DeLUCA