

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

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RUTH C. BALKIN, J.P.
LEONARD B. AUSTIN
VALERIE BRATHWAITE NELSON
LINDA CHRISTOPHER, JJ.

2017-07441

DECISION & ORDER ON MOTION

HSBC Bank USA, etc., respondent,
v Darryl Murray, et al., appellants,
et al., defendants.

(Index No. 31134/09)

Motion by the appellants, inter alia, to stay the sale of the subject premises, pending hearing and determination of an appeal from an order of the Supreme Court, Kings County, dated May 8, 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 appeal is dismissed, without costs or disbursements, on the ground that the right of direct appeal from the order dated May 8, 2017, terminated upon entry of a judgment dated May 8, 2017, in the above-entitled action (*see Matter of Aho*, 39 NY2d 241); the issues raised on the appeal from the order may be brought up for review and raised on the appeal from the judgment pending under Appellate Division Docket No. 2017-08931; and it is further,

ORDERED that the motion is denied as academic.

BALKIN, J.P., AUSTIN, BRATHWAITE NELSON and CHRISTOPHER, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

January 3, 2018

HSBC BANK USA v MURRAY