

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

M244427
E/htr

REINALDO E. RIVERA, J.P.
ROBERT J. MILLER
VALERIE BRATHWAITE NELSON
ANGELA G. IANNACCI, JJ.

2017-07356

ORDER TO SHOW CAUSE

Scott R. McLucas, respondent,
v Hope A. McLucas, appellant.

(Index No. 4398/15)

Application by the appellant pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to perfect an appeal from a decision and order (one paper) of the Supreme Court, Dutchess County, dated June 5, 2017.

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

ORDERED that the parties are directed to show cause why the appeals should or should not be dismissed on the ground that no appeal lies from a decision (*see Schicchi v J.A. Green Constr. Co.*, 100 AD2d 509), and that no appeal lies as of right from an order that is not the result of a motion made on notice, and leave to appeal has not been granted (*see CPLR 5701*), by filing an affirmation or affidavit on that issue with the Clerk of this Court on or before February 28, 2018; and it is further,

ORDERED that the application is held in abeyance in the interim; and it is further,

ORDERED that the Clerk of this Court, or her designee, shall serve a copy of this order to show cause on the parties by regular mail.

RIVERA, J.P., MILLER, BRATHWAITE NELSON and IANNACCI, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

February 6, 2018

McLUCAS v McLUCAS