

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

M244430  
E/rr

MARK C. DILLON, J.P.  
JOHN M. LEVENTHAL  
FRANCESCA E. CONNOLLY  
VALERIE BRATHWAITE NELSON, JJ.

---

2017-04574, 2017-04575, 2017-04576

DECISION & ORDER ON MOTION

Wells Fargo Bank, N.A. v Hirsch

(Index No. 3962/09)

---

Motion by the appellant to stay the foreclosure sale of the subject premises and all proceedings in the above-entitled action, pending hearing and determination of appeals from three orders of the Supreme Court, Orange County, one dated March 23, 2017, and two dated March 24, 2017, and, in effect, to deem the notice of appeal from the orders dated March 24, 2017, to be a premature notice of appeal from a judgment of the same court dated August 29, 2017, to the extent that the judgment brings the orders dated March 24, 2017, up for review and limit the issues raised in connection with the appeal from the judgment to the issues presented in connection with the appeals from the orders dated March 24, 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 from the order dated March 23, 2017, is dismissed, without costs or disbursements, on the ground that the appellant is not aggrieved (*see* CPLR 5511), as that order was vacated by one of the orders dated March 24, 2017; and it is further,

ORDERED that the branch of the motion which is to stay the foreclosure sale of the subject premises and all proceedings in the above-entitled action is denied; and it is further,

ORDERED that the branch of the motion which is, in effect, to deem the notice of appeal from the orders dated March 24, 2017, to be a premature notice of appeal from the judgment to the extent that the judgment brings the orders dated March 24, 2017, up for review and to limit the issues raised in connection with the appeal from the judgment to the issues raised in connection

with the appeals from the orders dated March 24, 2017, is granted, and the appeal will be prosecuted under Appellate Division Docket No. 2017-04574.

DILLON, J.P., LEVENTHAL, CONNOLLY and BRATHWAITE NELSON, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "Aprilanne Agostino". The signature is written in a cursive, flowing style.

Aprilanne Agostino  
Clerk of the Court