

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

M244538
E/rr

CHERYL E. CHAMBERS, J.P.
SYLVIA O. HINDS-RADIX
HECTOR D. LASALLE
BETSY BARROS, JJ.

2016-02175, 2016-02176

ORDER TO SHOW CAUSE

US Bank National Association, etc.,
respondent, v Annmarie Rode, etc.,
appellant, et al., defendants.

(Index No. 10745/11)

Motion by the appellant to stay the sale of the subject premises, pending hearing and determination of appeals from two orders of the Supreme Court, Nassau County, dated February 26, 2015, and September 15, 2015, respectively.

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 parties are directed to show cause before this Court why an order should or should not be made and entered dismissing the appeals from the orders dated February 26, 2015, and September 15, 2015, on the ground that the right of direct from the orders terminated upon entry of a judgment of the Supreme Court, Nassau County, in the above-entitled action on September 8, 2017 (*see Matter of Aho*, 39 NY2d 241), by filing an affirmation or an affidavit on that issue in the office of the Clerk of this Court on or before February 2, 2018, or, if the appellant be so advised, by making a motion, on or before February 2, 2018, pursuant to CPLR 5520(c) to deem the notice of appeal from the orders to be a premature notice of appeal from the appeal from the judgment to the extent that the judgment brings up for review the orders, to deem the record and the parties' briefs filed in connection with the appeals from the orders to be filed in connection with the appeal from the judgment, to limit the issues raised on the appeal from the judgment to the issues raised in the briefs filed in connection with the appeals from the orders, and for leave to serve and file a supplemental record containing the judgment entered September 8, 2017; and it is further,

ORDERED that the appellant's motion is held in abeyance in the interim; and it is

further,

ORDERED that the Clerk of this Court or her designee is directed to serve a copy of this order to show cause upon the parties to the appeals by regular mail.

CHAMBERS, J.P., HINDS-RADIX, LASALLE and BARROS, JJ., concur.

ENTER:

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

Aprilanne Agostino
Clerk of the Court