

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

M244927
E/sl

JOHN M. LEVENTHAL, J.P.
JEFFREY A. COHEN
JOSEPH J. MALTESE
BETSY BARROS, JJ.

2017-02282

DECISION & ORDER ON MOTION

Mark Lew, respondent,
v Gail Sobel, et al., appellants.

(Index No. 15524/12)

2017-13327, 2017-13328

Mark Lew, respondent,
v Gail Sobel, et al., appellants.

(Index No. 15524/12)

2017-13329

Mark Lew, respondent,
v Gail Sobel, et al., appellants.

(Index No. 15524/12)

Motion by the appellants on appeals from an order of the Supreme Court, Nassau County, entered February 21, 2017, a decision of the same court dated November 2, 2017, a money judgment of the same court entered December 1, 2017, and a judgment of the same court dated November 22, 2017, to stay enforcement of the decision, the money judgment, and the judgment pending hearing and determination of appeals therefrom, and to consolidate the appeals from the decision and the money judgment with the appeal from the judgment, in effect, for poor person relief, and to waive the motion filing fee.

January 19, 2018

LEW v SOBEL

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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 is dismissed, without costs or disbursements, on the ground that the right of direct appeal therefrom terminated upon entry of the judgment (*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; and it is further,

ORDERED that on the Court's own motion, the appeal from the decision is dismissed, without costs or disbursements, on the ground that no appeal lies from a decision (*see Schicchi v J.A. Green Constr. Co.*, 100 AD2d 509); and it is further,

ORDERED that the branches of the motion which are to consolidate the appeal from the decision with the appeal from the judgment and for poor person relief with respect to the appeal from the decision are denied as academic; and it is further,

ORDERED that the branch of the motion which is to waive the motion filing fee is denied as unnecessary (*see CPLR 8022[b]*); and it is further,

ORDERED that the branch of the motion which is to consolidate the appeals from the money judgment and the judgment is denied as unnecessary as those appeals may be consolidated as of right (*see 22 NYCRR 670.7[c][1]*); and it is further,

ORDERED that the motion is otherwise denied.

LEVENTHAL, J.P., COHEN, MALTESE and BARROS, 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