

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

M245057  
E/afa

ALAN D. SCHEINKMAN, P.J.  
WILLIAM F. MASTRO  
REINALDO E. RIVERA  
MARK C. DILLON  
RUTH C. BALKIN, JJ.

---

2017-07497

DECISION & ORDER ON MOTION

M.B. Din Construction, Inc., appellant-respondent,  
et al., plaintiffs, v Delta Iron & Construction, Inc.,  
et al., defendants, American Safety Casualty Insurance  
Company, respondent-appellant.

(Index No. 501269/13)

---

Application by American Safety Casualty Insurance Company on an appeal and a cross appeal from a judgment of the Supreme Court, Kings County, dated May 23, 2017, pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to perfect its cross appeal.

Upon the papers filed in support of the application and no papers having been filed in opposition or in relation thereto, it is

ORDERED that on the Court's own motion, the appeal by M.B. Dinn Construction, Inc., is dismissed, without costs or disbursements, for failure to timely perfect in accordance with the rules of this Court (*see* 22 NYCRR 670.8[e]); and it is further,

ORDERED that the application is granted, and the time for American Safety Casualty Insurance Company to perfect is enlarged until February 27, 2018.

SCHEINKMAN, P.J., MASTRO, RIVERA, DILLON and BALKIN, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court

January 22, 2018

M.B. DIN CONSTRUCTION, INC. v DELTA IRON & CONSTRUCTION, INC.