

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

M245394
E/afa

JOHN M. LEVENTHAL, J.P.
CHERYL E. CHAMBERS
ROBERT J. MILLER
COLLEEN D. DUFFY, JJ.

2017-02972, 2017-02974

DECISION & ORDER ON MOTION

JP Morgan Chase Bank USA, National
Association, respondent, v David Horowicz,
et al., appellants, et al., defendants.

(Index No. 877/11)

Motion by the respondent to dismiss appeals from a decision and an order of the Supreme Court, Rockland County, both dated January 5, 2017, for failure to timely perfect.

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

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 motion is granted to the extent that the appeal from the order is dismissed, without costs or disbursements (*see* 22 NYCRR 670.8[e]), and the motion is otherwise denied as academic.

LEVENTHAL, J.P., CHAMBERS, MILLER and DUFFY, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

January 30, 2018

JP MORGAN CHASE BANK USA, NATIONAL ASSOCIATION v HOROWICZ