

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

M245412
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ALAN D. SCHEINKMAN, P.J.
JOHN M. LEVENTHAL
BETSY BARROS
VALERIE BRATHWAITE NELSON, JJ.

2017-02271, 2017-02272

DECISION & ORDER ON MOTION

Federal Deposit Insurance Corporation,
respondent, v Charlene R. Thompson,
appellant, et al., defendants.

(Index No. 22508/07)

Motion by the appellant, in effect, to deem the notice of appeal from two orders of the Supreme Court, Nassau County, dated November 16, 2016, and November 17, 2016, respectively, to be a premature notice of appeal from a judgment of the same court entered November 16, 2017, to deem the record and appellant's brief filed in connection with the appeals from the orders to be filed in connection with the appeal from the judgment, for leave to serve and file a supplemental record containing the judgment, and to stay enforcement of the judgment, as well as the sale, auction, or transfer of the subject premises, pending hearing and determination of the appeal from the judgment. Separate motion by the respondent to enlarge the time to serve and file a brief.

Upon the papers filed in support of the appellant's motion and the papers filed in opposition thereto, and upon the papers filed in support of the respondent's motion and no papers having been filed in opposition or in relation thereto, it is

ORDERED that the appellant's motion is granted; and it is further,

ORDERED that the notice of appeal from the orders dated November 16, 2016, and November 17, 2016, is deemed to be a premature notice of appeal from the judgment entered November 16, 2017, the appeal from the judgment will be prosecuted under Appellate Division Docket No. 2017-02271, the caption is amended to reflect the caption as set forth in the judgment, the record and appellant's brief filed in connection with the appeals from the orders are deemed to be filed in connection with the appeal from the judgment, and on or before February 28, 2018, the appellant shall correct the covers of the record and appellant's brief filed with the Clerk of the Court

February 8, 2018

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to reflect the proper caption, and shall serve and file a supplemental record containing the judgment; and it is further,

ORDERED that enforcement of the judgment, as well as the sale, auction, or transfer of the subject premises, are stayed, pending hearing and determination of the appeal from the judgment; and it is further,

ORDERED that the respondent's motion is granted, the respondent's time to serve and file a brief is enlarged until March 30, 2018, and the respondent's brief shall be served and filed on or before that date; and it is further,

ORDERED that no further enlargement of time shall be granted.

SCHEINKMAN, P.J., LEVENTHAL, BARROS 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