

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

M245453
E/rr

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

2017-09788

DECISION & ORDER ON MOTION

Eva Kahan, et al., appellants, v Wakefern
Food Corp., et al., respondents.

(Index No. 3036/13)

Motion by the respondents to dismiss an appeal from a judgment of the Supreme Court, Kings County, dated September 8, 2017, on the ground that the judgment is “non-appealable”, or, in the alternative, to declare that the judgment does not bring a certain order of the same court up for review.

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 the motion is denied.

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

ENTER:



Aprilanne Agostino
Clerk of the Court

January 31, 2018

KAHAN v WAKEFERN FOOD CORP.