

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

M245458  
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MARK C. DILLON, J.P.  
JOHN M. LEVENTHAL  
FRANCESCA CONNOLLY  
VALERIE BRATHWAITE NELSON, JJ.

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2017-05780

DECISION & ORDER ON MOTION

Marko-Ram Group Profit Sharing, plaintiff,  
v Jorge L. Anaya, et al., defendants,  
Belkis Pimentel Clark, respondent;  
Torati-Ramunto, LLC, nonparty-appellant.

(Index No. 9214/06)

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Application pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to perfect an appeal from an order of the Supreme Court, Westchester County, dated December 12, 2016. By order to show cause dated November 29, 2017, the parties to the appeal were directed to show cause before this Court why the appeal should or should not be dismissed on the ground that the order dated December 12, 2016, was entered upon the default of Torati-Ramunto, LLC, and the application was held in abeyance in the interim.

Now, upon the order to show cause and the papers filed in response thereto, and 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 the motion to dismiss the appeal is granted, and the appeal is dismissed, without costs or disbursements (*see* CPLR 5511); and it is further,

ORDERED that the application is denied as academic.

DILLON, J.P., LEVENTHAL, CONNOLLY and BRATHWAITE NELSON, JJ., concur.

ENTER: 

Aprilanne Agostino  
Clerk of the Court

January 31, 2018

MARKO-RAM GROUP PROFIT SHARING v ANAYA