

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

M245732
E/sl

REINALDO E. RIVERA, J.P.
ROBERT J. MILLER
SYLVIA O. HINDS-RADIX
JOSEPH J. MALTESE, JJ.

2018-00286

DECISION & ORDER ON MOTION

Deutsche Bank National Trust Company, etc.,
plaintiff, v Unknown Heirs at Law of John J.
Armato, Sr., et al., defendants.

(Index No. 54348/14)

2018-00289, 2018-00290

Deutsche Bank National Trust Company, etc.,
respondent, v Unknown Heirs at Law of John J.
Armato, Sr., et al., defendants, John J. Armato, Jr.,
appellant.

(Index No. 54348/14)

Motion by the appellant, inter alia, for leave to appeal to this Court from an order of the Supreme Court, Westchester County, dated December 22, 2017, to stay all proceedings in the above-entitled action as well as the foreclosure sale of the subject premises, pending hearing and determination of the appeal from the order dated December 22, 2017, and appeals from an order and a judgment of the same court both dated October 30, 2017, and to consolidate the appeal from the order dated December 22, 2017, with the appeals from the order and the judgment dated October 30, 2017.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the branch of the motion which is for leave to appeal to this Court

February 5, 2018

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JOHN J. ARMATO

from the order dated December 22, 2017, is denied; and it is further,

ORDERED that the branch of the motion which is to stay all proceedings in the above-entitled action as well as the foreclosure sale of the subject premises is granted and all proceedings in the above-entitled action as well as the foreclosure sale of the subject premises are stayed pending hearing and determination of the appeals from the order and the judgment dated October 30, 2017, on condition that those appeals are perfected on or before March 7, 2018; and it is further,

ORDERED that in the event the appeals from the order and the judgment dated October 30, 2017, are not perfected on or before March 7, 2018, the Court, on its own motion, may vacate the stay, without further notice, or the respondent may move to vacate the stay, on three days notice; and it is further,

ORDERED that the motion is otherwise denied.

RIVERA, J.P., MILLER, HINDS-RADIX and MALTESE, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "Aprilanne Agostino". The signature is written in a cursive, flowing style.

Aprilanne Agostino
Clerk of the Court