

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

M245757
E/afa

MARK C. DILLON, J.P.
SANDRA L. SGROI
ROBERT J. MILLER
SYLVIA O. HINDS-RADIX, JJ.

2015-11479, 2015-11479, 2016-11488

DECISION & ORDER ON MOTION

GS Brooklyn Apts., LLC, plaintiff-respondent,
v Denyse Roberts, defendant-respondent,
et al., defendants; Meryl Robertson, etc.,
et al., nonparty-appellants.

(Index No. 33167/08)

Motion by the nonparty-appellant Jeffrey L. Saltiel on appeals from three orders of the Supreme Court, Kings County, dated April 24, 2015, September 18, 2015, and August 2, 2016, respectively, to vacate any stay in effect as a result of the death of the nonparty-appellant Jay Berman without substituting an estate representative for the deceased nonparty-appellant Jay Berman, or, in the alternative, to substitute Meryl Robertson, as executor of the estate of Jay Berman, for the deceased nonparty-appellant, Jay Berman, to amend the caption accordingly, and thereupon to vacate any stay in effect as a result of the death of the nonparty-appellant Jay Berman, and to enlarge the respondents' time to serve and file their respective briefs.

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 branches of the motion which are to substitute Meryl Robertson, as executor of the estate of Jay Berman, for the deceased nonparty-appellant Jay Berman, to amend the caption accordingly, and thereupon to vacate any stay in effect as a result of the death of the nonparty-appellant Jay Berman, and to enlarge the respondents' time to serve and file their respective briefs are granted; and it is further,

ORDERED that Meryl Robertson, as executor of the estate of Jay Berman, is substituted for the deceased nonparty-appellant Jay Berman, for the purpose of prosecuting the appeals, the caption is amended accordingly, and the stay in effect as a result of the death of the nonparty-appellant Jay Berman is vacated; and it is further,

ORDERED that the respondents' time to serve and file their respective briefs is enlarged until March 12, 2018, and the respondents' briefs, if any, shall be served and filed on or before that date; and it is further,

ORDERED that the motion is otherwise denied.

DILLON, J.P., SGROI, MILLER and HINDS-RADIX, 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