

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

M245841
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WILLIAM F. MASTRO, J.P.
MARK C. DILLON
JOSEPH J. MALTESE
ANGELA G. IANNACCI, JJ.

2017-07095

DECISION & ORDER ON MOTION

Deutsche Bank National Trust Company,
etc., respondent, v Thomas R. Quinn, et al.,
appellants, et al., defendant.

(Index No. 3660/15)

Motion by the appellants on an appeal from an order of the Supreme Court, Nassau County, entered March 1, 2017, to stay enforcement of a judgment of the same court dated November 3, 2017, pending hearing and determination of the appeal from the judgment, and, in effect, to deem the notice of appeal from the order to be a premature notice of appeal from the judgment to the extent that the order is brought up for review on the appeal from the judgment.

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 to stay enforcement of the judgment is denied; and it is further,

ORDERED that the branch of the motion which is, in effect, to deem the notice of appeal from the order to be a premature notice of appeal from the judgment to the extent that the order is brought up for review on the appeal from the judgment is granted, the record and the appellant's brief filed in connection with the appeal from the order are deemed to be filed in connection with the appeal from the judgment, and on or before February 28, 2018, the appellants shall serve and file a supplemental record containing the judgment; and it is further,

ORDERED that on the Court's own motion, the respondent's time to serve and file a brief is enlarged until April 4, 2018, and the respondent's brief shall be served and filed on or before that date.

MASTRO, J.P., DILLON, MALTESE and IANNACCI, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court

February 7, 2018

DEUTSCHE BANK NATIONAL TRUST COMPANY v QUINN