

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

M246117  
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SANDRA L. SGROI, J.P.  
ROBERT J. MILLER  
VALERIE BRATHWAITE NELSON  
ANGELA G. IANNACCI, JJ.

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2017-10465

DECISION & ORDER ON MOTION

RSA Catering, LLC, respondent-appellant,  
v Scott Schneider, appellant-respondent,  
et al., defendants.

(Index No. 600707/17)

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Appeal and cross appeal from an order of the Supreme Court, Nassau County, entered September 20, 2017. By order to show cause dated December 7, 2017, the parties were directed to show cause before this Court why an order should or should not be made and entered dismissing the cross appeal taken on behalf of the defendants by Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara Wolf & Carone, LLP, in the above-entitled action on the ground that Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara Wolf & Carone, LLP, did not have authority to file a notice of cross appeal on the defendants' behalf (*see* CPLR 321). Motion by RSA Catering, LLC, to correct the notice of cross appeal to reflect that it is the proper party cross appellant.

Now, upon the order to show cause and the papers filed in response thereto, and upon the papers filed in support of the motion by RSA Catering, LLC, and no papers having been filed in opposition or in relation thereto, it is

ORDERED that the motion to dismiss the cross appeal is denied; and it is further,

ORDERED that the motion by RSA Catering, LLC, is granted (*see Matter of Tagliaferri*, 1 NY3d 605; CPLR 2001).

SGROI, J.P., MILLER, BRATHWAITE NELSON and IANNACCI, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court

February 15, 2018

RSA CATERING, LLC v SCHNEIDER