

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

M246214
E/afa

ALAN D. SCHEINKMAN, P.J.
WILLIAM F. MASTRO
REINALDO E. RIVERA
MARK C. DILLON
RUTH C. BALKIN, JJ.

2015-02601

ORDER TO SHOW CAUSE

Nikolaos Kanterakis, appellant,
v Emily Kanterakis, respondent.

(Index No. 200615/12)

2015-12372

Nikolaos Kanterakis, appellant,
v Emily Kanterakis, defendant-respondent;
Salvatore A. Lecci, nonparty-respondent.

(Index No. 200615/12)

2016-10204

Nikolaos Kanterakis, respondent-appellant,
v Emily Kanterakis, defendant-appellant-respondent;
Salvatore A. Lecci, nonparty-appellant-respondent.

(Index No. 200615/12)

Appeal by Nikolaos Kanterakis from an order of the Supreme Court, Nassau County, dated March 12, 2015. Separate appeal by Nikolaos Kanterakis, by permission, from so much of a decision and order (one paper) of the Supreme Court, Nassau County, dated November 13, 2015, as directed him to pay counsel fees to Emily Kanterakis in the sum of \$45,000. Separate appeals by Emily Kanterakis and Salvatore A. Lecci, and a cross appeal by Nikolaos Kanterakis from a judgment of the Supreme Court, Nassau County, entered July 12, 2016.

February 23, 2018

KANTERAKIS v KANTERAKIS

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On the Court's own motion, it is


ORDERED that the parties are directed to show cause before this Court why an order should or should not be made and entered dismissing the appeal from the order dated March 12, 2015, on the ground that (1) no appeal lies as of right from an order that is not the result of a motion made on notice (*see* CPLR 5701), and leave to appeal has not been granted, (2) any right of direct appeal from the order terminated upon entry of the judgment entered July 12, 2016 (*see Matter of Aho*, 39 NY2d 241; *Maddaloni v Maddaloni*, 142 AD3d 646), or (3) the appeal has been rendered academic upon entry of the judgment entered July 12, 2016 (*see Maddaloni v Maddaloni*, 142 AD3d 646), by filing an affirmation or an affidavit on those issues in the office of the Clerk of this Court and serving one copy on each other on or before March 19, 2018; and it is further,

ORDERED that the parties are directed to show cause before this Court why an order should or should not be made and entered dismissing the appeal from the decision and order dated November 13, 2015, on the ground that any right to appeal from the order terminated upon entry of the judgment entered July 12, 2016 (*see Matter of Aho*, 39 NY2d 241), by filing an affirmation or an affidavit on that issue in the office of the Clerk of this Court and serving one copy on each other on or before March 19, 2018, or, if Nikolaos Kanterakis be so advised, by making a motion, on or before March 19, 2018, pursuant to CPLR 5520(c) to consolidate the appeal from the decision and order dated November 13, 2015, with the appeals and the cross appeal from the judgment, to deem the record and the parties' briefs filed in connection with the appeal from the decision and order dated November 13, 2015, to be filed in connection with the appeals and cross appeal from the judgment, and for leave to serve and file a supplemental record containing the judgment and the notices of appeals and cross appeal from the judgment; and it is further,

ORDERED that the parties are directed to show cause before this Court why an order should or should not be made and entered dismissing the appeals from the judgment entered July 12, 2016, for failure to timely perfect in accordance with the rules (*see* 22 NYCRR 670.8[e]) and prior decision and order on motion of this Court dated October 3, 2017, which enlarged the time to perfect the appeals from the judgment until December 1, 2017, by filing an affirmation or an affidavit on that issue in the office of the Clerk of this Court and serving one copy on each other on or before March 19, 2018; and it is further,

ORDERED that the Clerk of this Court or her designee is directed to serve a copy of this order to show cause upon the parties by regular mail.

SCHEINKMAN, P.J., MASTRO, RIVERA, DILLON and BALKIN, JJ., concur.

ENTER: 
Aprilanne Agostino
Clerk of the Court