

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

M246264  
E/rr

RUTH C. BALKIN, J.P.  
LEONARD B. AUSTIN  
SANDRA L. SGROI  
VALERIE BRATHWAITE NELSON, JJ.

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2017-07711

ORDER TO SHOW CAUSE

Emigrant Bank, plaintiff-respondent,  
v Dawna McDonald, defendant-respondent,  
Da'Tekena Barango-Tariah, etc., appellant,  
et al., defendants.

(Index No. 504638/14)

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Motion by the appellant on an appeal from an order of the Supreme Court, Kings County, dated August 12, 2016, inter alia, to stay enforcement of a judgment of the same court dated November 1, 2017, pending hearing and determination of an appeal from the order.

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

ORDERED that the motion is denied; and it is further,

ORDERED that on the Court's own motion, 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 August 12, 2017, on the ground that the right of direct appeal from the order terminated upon entry of the judgment dated November 1, 2017 (*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 on or before March 9, 2018, or, if the appellant be so advised, by making a motion, on or before March 9, 2018, pursuant to CPLR 5520(c) to deem the notice of appeal from the order to be a premature notice of appeal from the judgment to the extent that the judgment brings up for review the order, to deem the record and the parties' briefs filed in connection with the appeal from the order to be filed in connection with the judgment, and for leave to serve and file a supplemental record containing the judgment; and it is further,

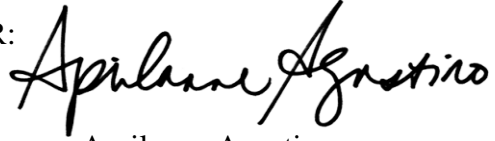
February 16, 2018

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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 to the appeal by regular mail.

BALKIN, J.P., AUSTIN, SGROI and BRATHWAITE NELSON, JJ., concur.

ENTER:   
Aprilanne Agostino  
Clerk of the Court