

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

M246916
E/afa

RUTH C. BALKIN, J.P.
COLLEEN D. DUFFY
FRANCESCA E. CONNOLLY
LINDA CHRISTOPHER, JJ.

2013-10460

DECISION & ORDER ON MOTION

Eulan Euba, appellant, v Jancie Euba,
et al., respondents.

(Index No. 16890/05)

Motion by the respondent Wells Fargo Bank, N.A., on an appeal from an order of the Supreme Court, Kings County, dated October 11, 2013, for leave to reargue its prior motion pursuant to CPLR 1021 to dismiss for failure to timely substitute a personal representative for the deceased appellant, which was determined by decision and order on motion of this Court dated December 19, 2017.

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 motion is granted, the decision and order on motion of this Court dated December 19, 2017, is recalled and vacated, and, upon reargument, the motion by the respondent Wells Fargo Bank, N.A., for leave to reargue its prior motion pursuant to CPLR 1021 to dismiss for failure to timely substitute a personal representative for the deceased appellant is granted (*see* CPLR 1021).

BALKIN, J.P., DUFFY, CONNOLLY and CHRISTOPHER, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

March 1, 2018

EUBA v EUBA