

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

M247000
E/afa

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

2017-08570, 2017-08576

DECISION AND ORDER ON APPLICATION

US Bank, NA, respondent, v Joseph H.
Brondo, Jr., etc., appellant, et al., defendants.

(Index No. 9470/13)

Application by Joseph H. Brondo, Jr., as personal representative of the estate of Phyllis P. Brondo, to be substituted for the deceased appellant, Phyllis Brondo, also known as Phyllis P. Brondo, on appeals from an order and a decision of the Supreme Court, Suffolk County, both dated June 19, 2017, to amend the caption accordingly, and pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to perfect the appeals.

Upon the papers filed in support of the application and no papers having been filed in opposition or in relation thereto, it is

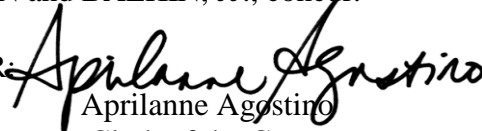
ORDERED that the branches of the application which are to substitute Joseph H. Brondo, Jr., as personal representative of the estate of Phyllis P. Brondo, for the deceased appellant, Phyllis Brondo, also known as Phyllis P. Brondo, and to amend the caption accordingly are granted, Joseph H. Brondo, Jr., as personal representative of the estate of Phyllis P. Brondo, is substituted for the deceased appellant, Phyllis Brondo, also known as Phyllis P. Brondo, and the caption is amended accordingly; and it is further,

ORDERED that on the Court's own motion, the appeal from the decision is dismissed, without costs or disbursements, on the ground that no appeal lies from a decision (*see Schicchi v J.A. Green Constr. Co.*, 100 AD2d 509); and it is further,

ORDERED that the branch of the application which is to enlarge the time to perfect the appeals is granted to the extent that the time to perfect the appeal from the order is enlarged until May 7, 2018, and that branch of the application is otherwise denied as academic.

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

ENTER:


Aprilanne Agostino
Clerk of the Court

March 6, 2018

US BANK, NA v BRONDO