

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

M247003  
E/rr

MARK C. DILLON, J.P.  
SANDRA L. SGROI  
BETSY BARROS  
LINDA CHRISTOPHER, JJ.

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2018-00178

DECISION & ORDER ON MOTION

In the Matter of Fran Stemmler, et al., appellants,  
v Axel Spring and Brake, Inc., et al., respondents.

(Index No. 705661/17)

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Appeal from an order of the Supreme Court, Queens County, dated November 1, 2017. By order to show cause dated January 18, 2018, the parties were directed to show cause before this Court why an order should or should not be made and entered dismissing the appeal on the ground that the description of the appealing parties as “the above named defendants” contained in the notice of appeal filed by Daniel Tanon, Esq., does not properly designate the parties taking the appeal.

Now, upon the order to show cause and the papers filed in response thereto, it is

ORDERED that on the Court’s own motion, the notice of appeal is deemed to have been filed by Fran Stemmler and Lorraine Parente, the parties represented by Daniel Tanon, Esq., as the proper party appellants (*see Matter of Tagliaferri*, 1 NY3d 605; CPLR 2001); and it is further,

ORDERED that the motion to dismiss the appeal is denied.

DILLON, J.P., SGROI, BARROS and CHRISTOPHER, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court

March 7, 2018

MATTER OF STEMMLER v AXEL SPRING AND BRAKE, INC.