

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

M247019
E/afa

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

2017-05523

DECISION & ORDER ON MOTION

Federal National Mortgage Association,
respondent, v Robert Kraus, appellant,
et al., defendants.

(Index No. 32422/13)


Motion by the respondent to dismiss an appeal from a judgment of the Supreme Court, Rockland County, dated April 5, 2017, on the ground that no appeal lies from a judgment entered upon the default of the appealing party or, in the alternative, to enlarge the time to serve and file a brief.

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

ORDERED that the branch of the motion which is to dismiss the appeal is held in abeyance and referred to the panel of Justices hearing the appeal for determination upon the argument or submission thereof; and it is further,

ORDERED that the branch of the motion which is to enlarge the respondent's time to serve and file a brief is granted, the respondent's time to serve and file a brief is enlarged until April 19, 2018, and the respondent's brief shall be served and filed on or before that date.

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

ENTER: 
Aprilanne Agostino
Clerk of the Court

March 6, 2018

FEDERAL NATIONAL MORTGAGE ASSOCIATION v KRAUS