

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

M247165
E/rr

JOHN M. LEVENTHAL, J.P.
SYLVIA O. HINDS-RADIX
BETSY BARROS
FRANCESCA E. CONNOLLY, JJ.

2017-12060

DECISION & ORDER ON MOTION

Bank of New York Mellon, respondent,
v Jean Robert Geffrard, et al., defendants,
Emmanuel Roy, et al., appellants.

(Index No. 12114/10)

Motion by the appellants to stay all proceedings in the above-entitled action pending hearing and determination of an appeal from an order of the Supreme Court, Kings County, dated October 17, 2017.

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

ORDERED that on the Court's own motion, the appeal insofar as taken by Emmanuel Roy is dismissed, without costs or disbursements, as the order dated October 17, 2017, did not decide his motion, which remains pending and undecided (*see Katz v Katz*, 68 AD2d 536, 544), and he is not aggrieved by the order (*see CPLR 5511*); and it is further,

ORDERED that the motion is denied.

LEVENTHAL, J.P., HINDS-RADIX, BARROS and CONNOLLY, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

March 9, 2018

BANK OF NEW YORK MELLON v GEFFRARD