

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

M247166  
E/rr

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

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2016-06065, 2016-06069

DECISION & ORDER ON MOTION

Wells Fargo Bank, N.A., etc., respondent,  
v Marie Kosen, et al., appellants, et al.,  
defendants.

(Index No. 1034/10)

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Motion by the appellants to stay enforcement of two orders of the Supreme Court, Orange County, both dated March 7, 2016, to stay the referee's sale of the subject premises, and to stay all proceedings in the above-entitled action, pending hearing and determination of appeals from the orders.

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

ORDERED that the motion is denied; and it is further,

ORDERED that on the Court's own motion, the parties are directed to show cause before this Court why an order should or should not be made and entered dismissing the appeal from the orders dated March 7, 2016, on the ground that the right of direct appeal from the orders terminated upon entry in the above-entitled action of a judgment of the Supreme Court, Orange County, on February 14, 2017 (*see Matter of Aho*, 39 NY2d 241), by filing an affirmation or an affidavit on that issue in the office of the Clerk of this Court on or before April 20, 2018, or, if the appellant be so advised, by making a motion, on or before April 20, 2018, pursuant to CPLR 5520(c) to deem the notice of appeal from the orders to be a premature notice of appeal from the judgment to the extent that the judgment brings up for review the orders, to deem the record and the parties' briefs filed in connection with the appeal from the orders to be filed in connection with the judgment, and for leave to serve and file a supplemental record containing the judgment; and it is further,

March 20, 2018

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ORDERED that the Clerk of this Court or her designee is directed to serve a copy of this order to show cause upon the parties to the appeal by regular mail.

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

ENTER: 

Aprilanne Agostino  
Clerk of the Court