

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

M247214  
E/afa

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

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2017-07030

DECISION & ORDER ON MOTION

GHI Marketing, Inc., etc., respondent,  
v Charles Diven, et al., defendants,  
Navajo Fields, Inc., etc., appellant.

(Index No. 50447/15)

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Motion by the appellant to deem a notice of an appeal from an order of the Supreme Court, Westchester County, dated April 26, 2017, to be a premature notice of appeal from a judgment of the same court dated May 16, 2017, and to enlarge the time to perfect the appeal.


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 notice of appeal from the order is deemed to be a notice of appeal from the judgment (*see* CPLR 5512[a]); and it is further,

ORDERED that the branch of the motion which is to deem the notice of appeal from the order to be a premature notice of appeal from the judgment is denied as academic; and it is further,

ORDERED that the branch of the motion which is to enlarge the time to perfect the appeal is granted, the appellant's time to perfect the appeal is enlarged until April 13, 2018, and the record or appendix on the appeal and the appellant's brief shall be served and filed on or before that date.

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

ENTER:   
Aprilanne Agostino  
Clerk of the Court

March 13, 2018

GHI MARKETING, INC. v DIVEN