

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

M247341
P/rr

ALAN D. SCHEINKMAN, P.J.
WILLIAM F. MASTRO
REINALDO E. RIVERA
MARK C. DILLON
RUTH C. BALKIN, JJ.

2017-04452

DECISION & ORDER ON MOTION

Jean Barone, etc., appellant, v Gilma Posada
Barone, etc., et al., respondents.

(Index No. 9162/12)

Application by Jean Barone, as executor of the estate of Frank A. Barone, on an appeal from a decision of the Supreme Court, Queens County, dated February 17, 2017, to be substituted for the deceased appellant Frank A. Barone, to amend the caption accordingly, and pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to perfect the appeal.

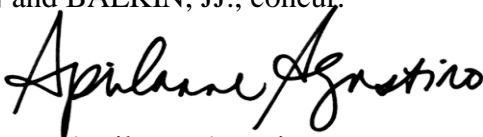
Upon the papers filed in support of the application and no papers having been filed in opposition or in relation thereto, it is

ORDERED that the branches of the application which are to substitute Jean Barone, as executor of the estate of Frank A. Barone, for the deceased appellant Frank A. Barone, and to amend the caption accordingly, are granted, Jean Barone, as executor of the estate of Frank A. Barone, is substituted for the deceased appellant Frank A. Barone, and the caption is amended accordingly; and it is further,

ORDERED that on the Court's own motion, the appeal is dismissed, without costs or disbursements, on the ground that no appeal lies from a decision (*see Schicchi v J.A. Green Constr. Co.*, 100 AD2d 509); and it is further,

ORDERED that the branch of the application which is to enlarge the time to perfect the appeal is denied as academic.

SCHEINKMAN, P.J., MASTRO, RIVERA, DILLON and BALKIN, JJ., concur.

ENTER: 
Aprilanne Agostino
Clerk of the Court

March 13, 2018

BARONE v BARONE