

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

M247437
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WILLIAM F. MASTRO, J.P.
MARK C. DILLON
JOSEPH J. MALTESE
HECTOR D. LASALLE, JJ.

2016-10230, 2016-11857

DECISION & ORDER ON MOTION

Wilson 3 Corp., et al., respondents,
v Deutsche Bank National Trust Company,
etc., appellant (and a third-party action).

(Index No. 503180/16)

2017-04661, 2017-04663

Wilson 3 Corp., et al., respondents,
v Deutsche Bank National Trust Company,
etc., appellant (and a third-party action).

(Index No. 503180/16)

Motion by the respondents to dismiss appeals from two orders of the Supreme Court, Kings County, dated August 11, 2016, and September 20, 2016, respectively, on the ground that the right of direct appeal from those orders terminated upon entry of an order of the same court dated February 2, 2017, and a judgment of the same court dated February 24, 2017, to dismiss the appeals from the order dated February 2, 2017, and the judgment dated February 24, 2017, for failure to timely perfect, or, in the alternative, to consolidate the appeals from the orders dated August 11, 2016, and September 20, 2016, with the appeals from the order dated February 2, 2017, and the judgment dated February 24, 2017. Motion by the appellant to enlarge the time to perfect the appeals from the order dated February 2, 2017, and the judgment dated February 24, 2017, and to consolidate the appeals from the orders dated August 11, 2016, and September 20, 2016, with the appeals from the order dated February 2, 2017, and the judgment dated February 24, 2017.

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

March 14, 2018

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ORDERED that the branch of the respondents' motion which is to dismiss the appeals from the orders dated August 11, 2016, and September 20, 2016, on the ground that the right of direct appeal from those orders terminated upon entry of the order dated February 2, 2017, is denied; and it is further,

ORDERED that the branch of the respondents' motion which is to dismiss the appeals from the orders dated August 11, 2016, and September 20, 2016, on the ground that the right of direct appeal from those orders terminated upon entry of the judgment dated February 24, 2017, is held in abeyance and referred to the panel of Justices hearing the appeals for determination upon the argument or submission thereof; and it is further,

ORDERED that the branch of the respondents' motion which is to dismiss the appeals from the order dated February 2, 2017, and the judgment dated February 24, 2017, for failure to timely perfect is denied; and it is further,

ORDERED that the branch of the appellant's motion which is to enlarge the time to perfect the appeals from the order dated February 2, 2017, and the judgment dated February 24, 2017, is granted, the appellant's time to perfect those appeals is enlarged until April 13, 2018; and it is further,

ORDERED that the branches of the motions which are to consolidate the appeals from the orders dated August 11, 2016, and September 20, 2016, with the appeals from the order dated February 2, 2017, and the judgment dated February 24, 2017, are denied; and it is further,

ORDERED that on the Court's own motion, the appeals from the orders dated August 11, 2016, and September 20, 2016, will be calendared together with the appeals from the order dated February 2, 2017, and the judgment dated February 24, 2017, and will be argued or submitted on the same date.

MASTRO, J.P., DILLON, MALTESE and LASALLE, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court