

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

M247438
E/afa

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

2017-00306

DECISION & ORDER ON MOTION

Benoj David, plaintiff-appellant, v Jorge Byron,
et al., defendants; Flomenhaft Law Firm,
PLLC, nonparty-appellant; Finkelstein &
Partners, LLP, nonparty-respondent.

(Index No. 3850/05)

2017-13428

Benoj David, plaintiff-appellant, v Jorge Byron,
et al., defendants; Flomenhaft Law Firm,
PLLC, nonparty-appellant; Finkelstein &
Partners, LLP, nonparty-respondent.

(Index No. 3850/05)

2018-02538

Benoj David, plaintiff, v Jorge Byron,
et al., defendants; Flomenhaft Law Firm,
PLLC, nonparty-appellant; Finkelstein &
Partners, LLP, nonparty-respondent.

(Index No. 3850/05)

Motion by the nonparty-appellant to enlarge the time to perfect its appeal from an order of the Supreme Court, Rockland County, dated December 12, 2016, and to consolidate the appeals from the order dated December 12, 2016, with appeals from an order of the same court dated

March 14, 2018

DAVID v BYRON

Page 1.

December 19, 2017, and a judgment of the same court also dated December 19, 2017. Cross motion by the nonparty-respondent to dismiss the appeal from the order dated December 12, 2016, on the ground that it was superceded by the order dated December 19, 2017. Separate motion by the plaintiff-appellant to enlarge the time to perfect his appeal from the order dated December 12, 2016, and to consolidate the appeals from the order dated December 12, 2016, with appeals from the order dated December 19, 2017, and the judgment dated December 19, 2017.

Upon the papers filed in support of the motions and the papers filed in opposition thereto, and upon the papers filed in support of the cross motion and no papers having been filed in opposition or in relation thereto, it is

ORDERED that the branches of the motions which are to enlarge the time to perfect the appeals from the order dated December 12, 2016, are granted, and the time to perfect the appeals from the order dated December 12, 2016, is enlarged until May 14, 2018; and it is further,

ORDERED that no further enlargement of time shall be granted; and it is further,

ORDERED that the branches of the motions which are to consolidate the appeals are denied as unnecessary as the appeals may be consolidated as of right (*see* 22 NYCRR 670.7[c][1]); and it is further,

ORDERED that the cross motion is held in abeyance and referred to the panel of Justices hearing the appeals for determination upon the argument or submission thereof.

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

ENTER:

A handwritten signature in black ink that reads "Aprilanne Agostino". The signature is written in a cursive, flowing style.

Aprilanne Agostino
Clerk of the Court