

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

M247606
E/afa

ALAN D. SCHEINKMAN, P.J.
RUTH C. BALKIN
LEONARD B. AUSTIN
SYLVIA O. HINDS-RADIX, JJ.

2016-04925, 2017-06883, 2017-06884

DECISION & ORDER ON MOTION

Bank of America, N.A., etc., plaintiff-respondent,
v Caren Litkowski, et al., appellants,
et al., defendants; Tri-State III, LLC,
nonparty-respondent.

(Index No. 33977/11)

Motion by Bank of America, N.A., on appeals from two orders of the Supreme Court, Rockland County, dated March 29, 2016, and May 5, 2017, respectively, and a judgment of the same court also dated May 5, 2017, to dismiss the appeal from the order dated March 29, 2016, on the ground that the right of direct appeal from that order terminated upon entry of the judgment. Cross motion by the appellants to consolidate the appeals and, in effect, for leave to serve and file a supplemental record containing the judgment, the order dated May 5, 2017, and the notice of appeal from the judgment and the order dated May 5, 2017.

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

ORDERED that the cross motion is granted, the appeals are consolidated, the record and briefs filed in connection with the appeal from the order dated March 29, 2016, are deemed to be filed in connection with the appeals from the judgment and the order dated May 5, 2017, and on or before April 18, 2018, the appellants shall serve and file a supplemental record containing the judgment, the order dated May 5, 2017, and the notice of appeal from the judgment and the order dated May 5, 2017, and it is further,

ORDERED that the motion 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,

March 19, 2018

BANK OF AMERICA, N.A. v LITKOWSKI

Page 1.

ORDERED that on the Court's own motion, the appellants' time to serve and file a reply brief on the appeals is enlarged until April 18, 2018, and the reply brief shall be served and filed on or before that date.

SCHEINKMAN, P.J., BALKIN, AUSTIN and HINDS-RADIX, 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