

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

M248001
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JOHN M. LEVENTHAL, J.P.
ROBERT J. MILLER
COLLEEN D. DUFFY
HECTOR D. LASALLE, JJ.

2017-08305

DECISION & ORDER ON MOTION

Wells Fargo Bank, N.A., etc., respondent,
v Valeriy Kolmykov, appellant, et al.,
defendants.

(Index No. 131143/13)

Application by the appellant pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to perfect an appeal from a decision and order (one paper) of the Supreme Court, Richmond County, dated December 7, 2016. By order to show cause dated February 5, 2018, the parties were directed to show cause why the appeal should or should not be dismissed on the ground that no appeal lies from a decision and no appeal lies from an order that was not the result of a motion made on notice and leave to appeal had not been granted, and the application was held in abeyance in the interim.

Now, upon the order to show cause and no papers having been filed in response thereto, and 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 motion to dismiss the appeal is granted, and the appeal is dismissed, without costs or disbursements (*see* CPLR 5701; *Schicchi v J.A. Green Constr. Co.*, 100 AD2d 509); and it is further,

ORDERED that the application is denied as academic.

LEVENTHAL, J.P., MILLER, DUFFY and LASALLE, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

March 27, 2018

WELLS FARGO BANK, N.A. v KOLMYKOV