

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

M248123  
E/afa

JOHN M. LEVENTHAL, J.P.  
SANDRA L. SGROI  
HECTOR D. LASALLE  
VALERIE BRATHWAITE NELSON, JJ.

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2016-03713

ORDER TO SHOW CAUSE

Wells Fargo Bank, NA, respondent,  
v Moshe Atedgi, appellant.

(Index No. 19785/12)

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Motion by the appellant to stay enforcement of an order of the Supreme Court, Queens County, entered February 22, 2016, and to stay the sale of the subject premises pending hearing and determination of an appeal from the order.

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

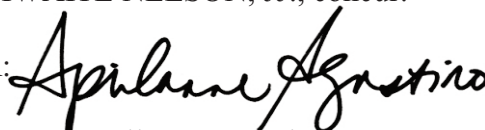
ORDERED that the motion is denied; and it is further,

ORDERED that on the Court's own motion, the parties are directed to show cause before this Court why an order should or should not be made and entered dismissing the appeal from the order entered February 22, 2016, on the ground that the right of direct appeal from the order terminated upon entry of a judgment in the above-entitled action on December 19, 2017 (*see Matter of Aho*, 39 NY2d 241), by filing an affirmation or an affidavit on that issue in the office of the Clerk of this Court on or before April 19, 2018, or, if the appellant be so advised, by making a motion, on or before April 19, 2018, pursuant to CPLR 5520(c) to deem the notice of appeal from the order to be a premature notice of appeal from the judgment to the extent that the judgment brings up for review the order, to deem the record and the parties' briefs filed in connection with the appeal from the order to be filed in connection with the appeal from the judgment, and for leave to serve and file a supplemental record containing the judgment; and it is further,

ORDERED that the Clerk of this Court or her designee is directed to serve a copy of this order to show cause upon the parties to the appeal by regular mail.

LEVENTHAL, J.P., SGROI, LASALLE and BRATHWAITE NELSON, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court

March 29, 2018

WELLS FARGO BANK, NA v ATEDGI