

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

M248187
E/rr

CHERYL E. CHAMBERS, J.P.
LEONARD B. AUSTIN
ROBERT J. MILLER
JOSEPH J. MALTESE, JJ.

2015-08505

DECISION & ORDER ON MOTION

Buttafuoco & Associates, PLLC, et al.,
respondents, v Delfina Urias, etc., et al.,
appellants.

(Index No. 15468/12)

2015-08795

Delfina Urias, etc., appellant,
v Daniel P. Buttafuoco & Associates, PLLC,
et al., respondents.

(Index No. 7186/11)

2017-10373

Delfina Urias, etc., appellant,
v Daniel P. Buttafuoco & Associates, PLLC,
et al., respondents.

(Index No. 7186/11)

2018-02097

Delfina Urias, etc., plaintiff,
v Daniel P. Buttafuoco & Associates, PLLC,
et al., defendants.

(Index No. 7186/11)

April 6, 2018

BUTTAFFUOCO & ASSOCIATES, PLLC v URIAS

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Motion by Delfina Urias and Marta Urias to recall and vacate so much of a decision and order on motion of this Court, entitled “in the Matter of the Dismissal of Causes for Failure to Perfect,” dated July 5, 2017, as dismissed appeals from an order of the Supreme Court, Nassau County, dated June 10, 2015, and an order of the Supreme Court, Suffolk County, dated June 24, 2015, to reinstate those appeals, to enlarge the time to perfect the appeals, to enlarge the time to perfect an appeal from an order of the Supreme Court, Suffolk County, dated August 21, 2017, for leave to appeal to this Court from the order dated June 24, 2015, as well as an order of the Supreme Court, Suffolk County, dated September 15, 2016, to stay enforcement of a certain notice to prosecute pursuant to CPLR 3216 as well as all proceedings in the above-entitled action pending hearing and determination of the appeals, for a preference in the calendaring of the appeals, to consolidate the appeals, and for an award of costs.

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

ORDERED that the branch of the motion which is to enlarge the time to perfect the appeal from the order dated August 21, 2017, is granted, and the time to perfect that appeal is enlarged until May 29, 2018; and it is further,

ORDERED that the branch of the motion which is for leave to appeal to this Court from the order dated September 15, 2016, is denied as to those portions of the order which denied reargument and by which Delfina Urias is not aggrieved, and is otherwise denied as unnecessary (*see* CPLR 5701), without prejudice to filing a timely notice of appeal from those portions of the order which are appealable as of right (*see* CPLR 5513, 5514); and it is further,

ORDERED that the branch of the motion which is for a preference in the calendaring of the appeal from the order dated August 21, 2017, is granted; and it is further,

ORDERED that the motion is otherwise denied.

CHAMBERS, J.P., AUSTIN, MILLER and MALTESE, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

and is