

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

M248288  
E/afa

MARK C. DILLON, J.P.  
LEONARD B. AUSTIN  
SANDRA L. SGROI  
BETSY BARROS, JJ.

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2016-05524

DECISION & ORDER ON MOTION

Onewest Bank, FSB, respondent,  
v Everette Weaver, appellant,  
et al., defendants.

(Index No. 83/14)

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2016-06564

Onewest Bank, FSB, respondent,  
v Everette Weaver, appellant,  
et al., defendants.

(Index No. 83/14)

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Motion by the appellant, inter alia, for leave to reargue her opposition to the respondent's separate motions to dismiss appeals from two orders of the Supreme Court, Dutchess County, dated April 8, 2016, and April 27, 2016, respectively, which were granted to the extent that the appellant was directed to settle transcripts of proceedings and serve and file supplemental records, by decisions and orders on motion of this Court both dated December 1, 2017. Cross motion by the respondent, inter alia, to dismiss the appeals for failure to comply with the decisions and orders on motion dated December 1, 2017, or, in the alternative, to direct the appellant to serve and file supplemental records and to enlarge the time to serve and file a brief.

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 branch of the cross motion which is to dismiss the appeal from the order dated April 8, 2016, is denied on condition that on or before May 18, 2018, the appellant (1) settle the transcript of the proceedings which occurred on March 1, 2016, and serve and file a

April 3, 2018

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supplemental record containing the corrected transcript pages or an errata sheet, or advise this Court, in writing, that no corrections to the transcript contained in the record are necessary, and (2) serve and file a supplemental record containing the respondent's Exhibits 2, 3, 4, and 5 submitted at trial; and it is further,

ORDERED that the branch of the cross motion which is to dismiss the appeal from the order dated April 27, 2016, is denied on condition that on or before May 18, 2018, the appellant (1) settle the transcript of the proceedings which occurred on March 1, 2016, and serve and file a supplemental record containing the corrected transcript pages or an errata sheet, or advise this Court, in writing, that no corrections to the transcript contained in the record are necessary, and (2) serve and file a supplemental record containing the notice of motion dated September 16, 2015, and accompanying papers and exhibits filed in support of the respondent's motion for summary judgment, the appellant's opposition dated October 8, 2015, and annexed exhibits, and the respondent's Exhibits 2, 3, 4, and 5 submitted at trial; and it is further,

ORDERED that the time to settle the transcript of the proceedings which occurred on March 1, 2016, and to serve and file a supplemental record in each appeal shall not be further extended; and it is further,

ORDERED that the branch of the cross motion which is to enlarge the respondent's time to serve and file a brief is granted, the respondent's time to serve and file separate briefs in connection with each appeal is enlarged until June 18, 2018; and it is further,

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

ORDERED that the motion is denied.

DILLON, J.P., AUSTIN, SGROI and BARROS, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court