

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

M248501
E/rr

JEFFREY A. COHEN, J.P.
SYLVIA O. HINDS-RADIX
COLLEEN D. DUFFY
FRANCESCA E. CONNOLLY, JJ.

2017-11366

DECISION & ORDER ON MOTION

In the Matter of Evelyn Hudis, etc., deceased.
June E. Poyourow, appellant;
Nancy Fischman, et al., respondents.

(File Nos. 373813/13B, 373813/13D,
373813/13E, 373813/13F)

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 Surrogate's Court, Nassau County, dated August 15, 2017.

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 on the Court's own motion, the appeal is dismissed, without costs or disbursements, on the grounds that so much of the decision and order as directs the appellant to file an account is not the result of a motion made on notice (*see* CPLR 5701), and leave to appeal has not been granted, the appellant is not aggrieved by so much of the decision and order as directs the Public Administrator to file an account (*see* CPLR 5511), and the remaining portion of the decision and order constitutes a decision from which no appeal lies (*see Schicchi v J.A. Green Constr. Co.*, 100 AD2d 509); and it is further,

ORDERED that the application is denied as academic.

COHEN, J.P., HINDS-RADIX, DUFFY and CONNOLLY, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

April 12, 2018

MATTER OF HUDIS, DECEASED