

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

M248547
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RUTH C. BALKIN, J.P.
JOHN M. LEVENTHAL
SYLVIA O. HINDS-RADIX
LINDA CHRISTOPHER, JJ.

2017-07711

DECISION & ORDER ON MOTION

Emigrant Bank, plaintiff-respondent,
v Dawna McDonald, defendant-respondent,
Da'Tekena Barango-Tariah, etc., appellant,
et al., defendants.

(Index No. 504638/14)

Appeal by Da'Tekena Barango-Tariah from an order of the Supreme Court, Kings County, dated August 12, 2016. By order to show cause dated February 16, 2018, inter alia, the parties were directed to show cause before this Court why an order should or should not be made and entered dismissing the appeal on the ground that the right of direct appeal from the order terminated upon entry of a judgment of the Supreme Court, Kings County, dated November 1, 2017, in the above-entitled action. Motion by the appellant 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.

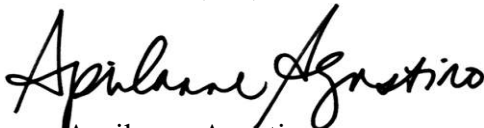
Now, upon the order to show cause and no papers filed in response thereto, and upon the papers filed in support of the appellant's motion and the papers filed in opposition thereto, it is

ORDERED that the motion to dismiss the appeal is denied; and it is further,

ORDERED that the appellant's motion is granted, and on or before April 17, 2018, the appellant shall serve and file a supplemental record containing the judgment dated November 1, 2017.

BALKIN, J.P., LEVENTHAL, HINDS-RADIX and CHRISTOPHER, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court

April 9, 2018

EMIGRANT BANK v McDONALD