

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

M248566
E/afa

MARK C. DILLON, J.P.
SANDRA L. SGROI
ROBERT J. MILLER
VALERIE BRATHWAITE NELSON, JJ.

2017-09065, 2017-09066

DECISION & ORDER ON MOTION

Bank of New York Mellon, etc., respondent,
v Michael Penso, et al., appellants, et al.,
defendants.

(Index No. 61223/13)

Motion by the respondent to dismiss appeals from an order and a judgment of the Supreme Court, Suffolk County, both dated June 27, 2017, for failure to timely perfect.

Upon the papers filed in support of the motion and no papers having been filed in opposition or in relation thereto, it is

ORDERED that the motion is granted and the appeals are dismissed, without costs or disbursements (*see* 22 NYCRR 670.8[e]).

DILLON, J.P., SGROI, MILLER and BRATHWAITE NELSON, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

April 10, 2018

BANK OF NEW YORK MELLON v PENSO