

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

M248717
E/afa

ALAN D. SCHEINKMAN, P.J.
SYLVIA O. HINDS-RADIX
HECTOR D. LASALLE
FRANCESCA E. CONNOLLY, JJ.

2017-12670, 2018-03111

DECISION & ORDER ON MOTION

Robert Ardouin, respondent,
v Castel Simon, appellant.

(Index No. 5360/14)

Motion by the appellant on appeals from an order of the Supreme Court, Queens County, entered October 5, 2017, and a judgment of the same court entered February 8, 2018, to stay enforcement of the judgment, pending hearing and determination of the appeals.

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

ORDERED that on the Court's own motion, the appeal from the order is dismissed, without costs or disbursements, on the ground that no appeal lies from the portion of the order which denied reargument and the right of direct appeal from the remainder of the order terminated upon entry of the judgment (*see Matter of Aho*, 39 NY2d 241); and it is further,

ORDERED that the motion is granted to the extent that the respondent is stayed from taking any steps to collect or effect turnover of any funds covering the amounts awarded in the judgment, pending hearing and determination of the appeal from the judgment on condition that the appeal from the judgment is perfected on or before May 14, 2018, and the motion is otherwise denied; and it is further,

ORDERED that in the event the appeal is not perfected on or before May 14, 2018, the Court, on its own motion, may vacate the stay, without further notice, or the respondent may move to vacate the stay, on three days notice.

SCHEINKMAN, P.J., HINDS-RADIX, LASALLE and CONNOLLY, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

April 13, 2018

ARDOUIN v SIMON