

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

M248783
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MARK C. DILLON, J.P.
SANDRA L. SGROI
ROBERT J. MILLER
VALERIE BRATHWAITE NELSON, JJ.

2017-01462

DECISION & ORDER ON MOTION

Citimortgage, Inc., respondent,
v Everette Weaver, appellant,
et al., defendants.

(Index No. 18430/09)

Motion by the appellant to enlarge the time to perfect an appeal from an order of the Supreme Court, Kings County, dated January 7, 2016. By order to show cause dated February 22, 2018, the parties to the appeal were directed to show cause why an order should or should not be made and entered dismissing the appeal, inter alia, on the ground that no appeal lies as of right from an order that is not the result of a motion made on notice and leave to appeal has not been granted, and the appellant's motion was held in abeyance in the interim.

Now, upon the order to show cause and no papers having been filed in response thereto, and 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 to dismiss the appeal is granted to the extent that the appeal is dismissed, without costs or disbursements, on the ground that no appeal lies as of right from an order that is not the result of a motion made on notice and leave to appeal has not been granted (*see* CPLR 5701), and the motion is otherwise denied as academic; and it is further,

ORDERED that the appellant's motion is denied as academic.

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

ENTER: 

Aprilanne Agostino
Clerk of the Court

April 16, 2018

CITIMORTGAGE, INC. v WEAVER