

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

M248933
E/rr

MARK C. DILLON, J.P.
JOHN M. LEVENTHAL
ROBERT J. MILLER
COLLEEN D. DUFFY, JJ.

2016-10352

ORDER TO SHOW CAUSE

Reverse Mortgage Solutions, Inc., respondent,
v Antonio Fattizzo, appellant, et al., defendants.

(Index No. 66269/14)

Motion by the appellant to stay the foreclosure sale of the subject premises, pending hearing and determination of an appeal from an order of the Supreme Court, Suffolk County, dated September 19, 2016.

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 parties to the appeal are directed to show cause before this Court why an order should or should not be made and entered dismissing the appeal from the order dated September 19, 2016, on the ground that the right of direct appeal from the order terminated upon entry of a judgment in the above-entitled action on July 31, 2017 (*see Matter of Aho*, 39 NY2d 241), by filing an affirmation or an affidavit on that issue in the office of the Clerk of this Court on or before May 9, 2018, or, if the appellant be so advised, by making a motion, on or before May 9, 2018, 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; and it is further,

ORDERED that the motion is held in abeyance in the interim; and it is further,

ORDERED that the Clerk of this Court or her designee is directed to serve a copy of this order to show cause upon the parties to the appeal by regular mail.

DILLON, J.P., LEVENTHAL, MILLER and DUFFY, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

April 18, 2018

REVERSE MORTGAGE SOLUTIONS, INC. v FATTIZZO