

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

M248981
E/afa

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

2017-05916

DECISION & ORDER ON MOTION

Judy Zhou, etc., et al., respondents,
v Tuxedo Ridge, LLC, et al., appellants.

(Index No. 1229/14)

2018-01540, 2018-02222, 2018-02608

Judy Zhou, etc., et al., respondents,
v Tuxedo Ridge, LLC, et al., appellants.

(Index No. 1229/14)

Motion by the respondents to dismiss an appeal from an order of the Supreme Court, Queens County, entered February 15, 2017, on the ground that the right of direct appeal therefrom terminated upon entry of a judgment of the same court in the above-entitled action on January 9, 2018, or, in the alternative, to consolidate the appeal from the order entered February 15, 2017, with the appeals from the judgment and two orders of the same court entered December 19, 2017, and January 31, 2018, respectively, and to enlarge the time to serve and file briefs.

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

ORDERED that the branch of the motion which is to dismiss the appeal from the order entered February 15, 2017, is held in abeyance and referred to the panel of Justices hearing the appeal for determination upon the argument or submission thereof; and it is further,

ORDERED that the branch of the motion which is to consolidate the appeals is denied; and it is further,

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ORDERED that the branch of the motion which is to enlarge the respondents' time to serve and file brief with respect to the appeal from the order entered February 15, 2017, is granted, and the respondents' time to serve and file a brief, which addresses only that appeal, is enlarged until May 21, 2018; and it is further,

ORDERED that no further enlargement of time shall be granted; and it is further,

ORDERED that the branch of the motion which is to enlarge the respondents' time to serve and file a separate brief with respect to the appeals from the judgment and two orders entered December 19, 2017, and January 31, 2018, is granted, and the respondents' time to serve and file a separate brief, which addresses only those appeals, is enlarged until May 21, 2018; and it is further,

ORDERED that on the Court's own motion, the appeals will be calendared together and will be argued or submitted on the same date.

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

ENTER:

A handwritten signature in black ink, reading "Aprilanne Agostino". The signature is written in a cursive, flowing style.

Aprilanne Agostino
Clerk of the Court