

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

M270884
kbp/

ALAN D. SCHEINKMAN, P.J.
CHERYL E. CHAMBERS
SHERI S. ROMAN
LINDA CHRISTOPHER, JJ.

2019-05301

DECISION & ORDER ON MOTION

Louis Kestenbaum, et al., respondents,
v Julie Globus, defendant; Eugene Volokh,
nonparty-appellant.

(Index No. 516803/18)

2019-07830, 2019-07831

Louis Kestenbaum, et al., respondents,
v Julie Globus, defendant; Eugene Volokh,
nonparty-appellant.

(Index No. 516803/18)

Motion by the nonparty-appellant on appeals from three orders of the Supreme Court, Kings County, dated March 15, 2019, May 29, 2019, and June 4, 2019, respectively, inter alia, to extend the time to perfect the appeals. Application by the nonparty-appellant pursuant to 22 NYCRR 1250.9(b) to extend the time to perfect the appeals. By order to show cause dated February 13, 2020, the parties to the appeals were directed to show cause before this Court why an order should or should not be made and entered dismissing the appeals on the ground that the appeals do not present a justiciable controversy, and the branch of the motion to extend the time to perfect the appeals and the application were held in abeyance in the interim.

Now, upon the order to show cause and the papers filed in response thereto, upon the papers filed in support of the motion and no papers having been filed in opposition or in relation thereto, and upon the papers filed in support of the application and no papers having been filed in opposition or in relation thereto, it is

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ORDERED that the motion to dismiss the appeals is granted, and the appeals are dismissed, without costs or disbursements (*see Matter of Acevedo v New York State Dept. of Motor Vehicles*, 29 NY3d 202; *New York Public Interest Research Group, Inc. v Carey*, 42 NY2d 527); and it is further,

ORDERED that the branch of the motion which is to extend the time to perfect the appeals is denied as academic; and it is further,

ORDERED that the application is denied as academic.

SCHEINKMAN, P.J., CHAMBERS, ROMAN and CHRISTOPHER, JJ., concur.

ENTER: 

Aprilanne Agostino
Clerk of the Court