

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

1048

CA 18-00459

PRESENT: CENTRA, J.P., CARNI, NEMOYER, TROUTMAN, AND WINSLOW, JJ.

FREDERICK P. BRADLEY, PLAINTIFF-RESPONDENT,

V

ORDER

ROBERT REXCOAT AND JENNIFER REXCOAT,
DEFENDANTS-APPELLANTS.

LAW OFFICES OF JOHN TROP, BUFFALO (THOMAS DURKIN OF COUNSEL), FOR
DEFENDANTS-APPELLANTS.

VANDETTE PENBERTHY LLP, BUFFALO (JAMES M. VANDETTE OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (James H. Dillon, J.), entered May 12, 2017. The order granted the motion of plaintiff for an extension of time to serve a "summons and notice."

It is hereby ORDERED that said appeal is unanimously dismissed without costs (*see Obot v Medaille Coll.*, 82 AD3d 1629, 1630 [4th Dept 2011], *lv denied* 17 NY3d 756 [2011]).

Entered: September 28, 2018

Mark W. Bennett
Clerk of the Court