

**Elba Ortiz-Zayas v Catherine Deli & Bagels**

Motion No: 2020-04106

Slip Opinion No: 2021 NYSlipOp 60825(U)

Decided on January 26, 2021

Appellate Division, First Department, Motion Decision

Published by [New York State Law Reporting Bureau](#) pursuant to  
Judiciary Law § 431.

This motion is uncorrected and is not subject to publication in the  
Official Reports.

**Supreme Court of the State of New York**  
**Appellate Division, First Judicial Department**

Present – Hon. Rolando T. Acosta,  
Barbara R. Kapnick  
Cynthia S. Kern  
Peter H. Moulton  
Saliann Scarpulla,

Presiding Justice,  
  
Justices.

---

---

Elba Ortiz-Zayas, et al.,  
Plaintiffs-Respondents,  
  
-against-

Motion No. 2020-04106  
Index Nos. 159710/16  
595999/18  
596028/18  
Case No. 2020-04150

Catherine Deli & Bagels,  
Defendant-Appellant,

98 Rivington Realty Corp.,  
Defendant.

-----  
[And Third-Party Actions]

---

---

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about February 03, 2020,

And defendant/second third-party plaintiff-appellant Catherine Deli & Bagels having moved, pursuant to 22 NYCRR 1250.10(c), to vacate the dismissal of the appeal and, upon reinstatement, for an extension of time in which to perfect said appeal,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted, the dismissal vacated, the appeal reinstated, and the time in which to perfect said appeal is extended to the June 2021 Term of this Court.

ENTERED: January 26, 2021



Susanna Molina Rojas  
Clerk of the Court