

Alexander Picken & Picken Real Estate Inc. v RN Realty LLC

Motion No: 2021-02618

Slip Opinion No: 2021 NYSlipOp 70751(U)

Decided on August 26, 2021

Appellate Division, First Department, Motion Decision

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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. Anil C. Singh,
Lizbeth González
Tanya R. Kennedy
Saliann Scarpulla
Martin Shulman,

Justice Presiding,

Justices.

Alexander Picken and Picken Real Estate
Inc.,
Plaintiffs-Respondents-Appellants.

Motion No. 2021-02618
Index No. 653313/2014
Case No. 2021-00910
2021-00913

-against-

RN Realty LLC,
Defendant-Appellant-Respondent.

An appeal and cross-appeal having been taken to this Court from an order, Supreme Court, New York County, entered on or about October 15, 2020 (Case No. 2021-0910), and the appeal having been perfected,

And an appeal and cross appeal having been taken to this Court from an order, same court, entered on or about February 28, 2021 (Case No. 2021-00913),

And plaintiffs-respondents-appellants having moved for an order (a) pursuant to CPLR 5515 and CPLR 5520, deeming their Notice of Cross Appeal filed under Case No. 2021-00910 amended, nunc pro tunc, to include an appeal from so much of the October 15, 2020 order which granted defendant partial summary judgment dismissing plaintiffs' claim for a brokerage commission; (b) dismissing defendant's appeal from the February 28, 2021 Order (Case No. 2021-00913) on ground that the order denying reargument is not appealable; and (c) adjourning the perfected appeal under Case No. 2021-00910,

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 to the extent of dismissing the appeal under Case No. 2021-00913 and adjourning the perfected appeal under Case No. 2021-00910 to the January 22, 2022 Term, and is otherwise denied.

ENTERED: August 26, 2021

A handwritten signature in black ink, reading "Susanna Molina Rojas". The signature is written in a cursive, flowing style.

Susanna Molina Rojas
Clerk of the Court