

**Edgardo A. Herrero v 2146 Nostrand Ave. Assoc., LLC,  
ACHS Mgt. Corp., Shawmut Woodworking & Supply, Inc. &  
49th Broadway, LLC, doing business as Dallas BBQ**

Motion No: 2021-3838 2021-3872

Slip Opinion No: 2021 NYSlipOp 76297(U)

Decided on December 21, 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. Sallie Manzanet-Daniels,  
Judith J. Gische  
Angela M. Mazzaelli  
Anil C. Singh  
Peter H. Moulton,

Justice Presiding,  
  
  
  
Justices.

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Edgardo A. Herrero,  
Plaintiff-Respondent,

-against-

Motion Nos. **2021-3838**  
**2021-3872**  
Index No. 153673/2015  
Case No. 2021-02578

2146 Nostrand Avenue Associates, LLC, ACHS  
Management Corp., Shawmut Woodworking &  
Supply, Inc. and 49th Broadway, LLC, doing  
business as Dallas BBQ,  
Defendants-Appellants.

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[and Third-Party Actions]

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Appeals having been taken to this Court from an order of the Supreme Court,  
New York County, entered on or about February 02, 2021,

And defendants/fourth-party plaintiffs/fourth-party defendants-appellants, 2146  
Nostrand Avenue Associates, LLC, ACHS Management Corp., 49<sup>th</sup> Broadway, LLC,  
doing business as Dallas BBQ and Nostrand Enterprises, LLC, doing business as Dallas  
BBQ, having moved, pursuant to 22 NYCRR 1250.9(b), for an extension of time in which  
to perfect their appeal, (M-2021-03838),

And defendant/third-party plaintiff/fifth-party plaintiff-appellant, Shawmut  
Woodworking & Supply Inc. doing business as Shawmut Design & Construction, having  
moved, pursuant to 22 NYCRR 1250.10(c), to vacate the dismissal of their appeal, and,  
upon vacatur, for an extension of time in which to perfect same, (M-2021-03872),

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

It is ordered that defendants/fourth-party plaintiffs/fourth-party defendants-appellants, 2146 Nostrand Avenue Associates, LLC, ACHS Management Corp., 49<sup>th</sup> Broadway, LLC, doing business as Dallas BBQ an Nostrand Enterprises, LLC, doing business as Dallas BBQ motion is granted to the extent of extending the time in which to perfect their appeal to the April 2022 Term of this Court, (M-2021-03838), and

It is further ordered that defendant/third-party plaintiff/fifth-party plaintiff-appellant, Shawmut Woodworking & Supply Inc., doing business as Shawmut Design & Construction motion is granted to the extent of vacating the dismissal of their appeal and reinstating same, and extending the time to perfect said appeal to the aforesaid April 2022 Term of this Court, (M-2021-03872).

ENTERED: December 21, 2021



Susanna Molina Rojas  
Clerk of the Court