

**Matter of the Accounting of Abraham Solomon
Hoppenstein, as Trustee of the Reuben Hoppenstein 2005
Trust Dated Oct. 10, 2005**

Motion No: 2021-04432

Slip Opinion No: 2022 NYSlipOp 61571(U)

Decided on February 10, 2022

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. Dianne T. Renwick,
Barbara R. Kapnick
Lizbeth González
Martin Shulman
Julio Rodriguez III,

Justice Presiding,

Justices.

In the Matter of the Accounting of	Motion No.	2021-04432
	File No.	2015-2918F
Abraham Solomon Hoppenstein,	Case Nos.	2021-04608
As Trustee of		2021-04788

The Reuben Hoppenstein 2005 Trust Dated
October 10, 2005,

An appeal having been taken to this Court by objectants-appellants Cheryl Hoppenstein, Yitzchak Hoppenstein, Yonatan Hoppenstein, Aryeh Hoppenstein, Yara Hoppenstein and Adina Hoppenstein from an order of the Surrogates Court, New York County, entered on or about August 10, 2021, (Case No. 2021-04608),

And an appeal having been taken to this Court by nonparty Andrew M. La Bella, Esq., from a decision and an order of the Surrogates Court, New York County, entered on or about December 07, 2021 (Case No. 2021-04788),

And non-party counsel, Andrew M. La Bella, Esq., having moved, pro se, for leave to appeal to this Court from the August 10, 2021 order on the grounds that he is personally aggrieved by said order, and for the consolidation of the aforesaid appeals in the interest of judicial economy,

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

It is ordered that the branch of the motion seeking to consolidate the appeals is granted and the Clerk of this Court is directed to calendar the consolidated appeals (Case Nos. 2021-04608 and 2021-04788) for the same day, and

It is further ordered that branch of the motion seeking leave to appeal from the August 10, 2021 order or to intervene in the pending appeal therefrom is denied as movant was not personally aggrieved until the imposition of sanctions in the December 7, 2021 order and his appeal of the December 07, 2021 decision and order necessarily brings up for review the relevant portions of the August 10, 2021 order.

ENTERED: February 10, 2022

A handwritten signature in black ink, appearing to read "Susanna M. Rojas". The signature is fluid and cursive, with a large initial "S" and "M".

Susanna Molina Rojas
Clerk of the Court