

**Citimortgage, Inc. v Dany Dalal**

Motion No: 2022-00097 2022-00287

Slip Opinion No: 2022 NYSlipOp 62087(U)

Decided on February 24, 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. Judith J. Gische,  
Troy K. Webber  
Jeffrey K. Oing  
Manuel J. Mendez  
Bahaati E. Pitt,

Justice Presiding,

Justices.

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Citimortgage, Inc.,  
Plaintiff-Appellant,  
  
-against-

Motion Nos. **2022-00097**  
**2022-00287**  
Index No. 32339/16E  
Case No. 2022-00026

Dany Dalal, et al.,  
Defendants,

Link Point Realty Inc.,  
Defendant-Respondent.

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An appeal having been taken to this Court from a judgment of the Supreme Court, Bronx County, entered on or about December 20, 2021,

And defendant-respondent having moved to dismiss the appeal as having been taken from a non-appealable paper (M-2022-00097),

And plaintiff-appellant having cross-moved for leave to appeal the aforesaid December 20, 2021 judgment to this Court, pursuant to CPLR 5701 [c], should this Court find that the judgment is not appealable as of right (M-2022-00287),

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

It is ordered that defendant-respondent's motion to dismiss the appeal is granted and the appeal is dismissed without prejudice to further proceedings in Supreme Court (M-2022-00097). Accordingly, plaintiff-appellant's cross motion for leave to appeal is denied (M-2022-00287).

ENTERED: February 24, 2022

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