

**Nanette Basden v Liberty Lines Transit, Inc., the County of
Westchester & Brice Barney**

Motion No: 2022-00078 2022-00325

Slip Opinion No: 2022 NYSlipOp 62344(U)

Decided on March 03, 2022

Appellate Division, First Department, Motion Decision

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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.

Nanette Basden,
Plaintiff-Appellant-Respondent,

-against-

Liberty Lines Transit, Inc., The County of
Westchester and Brice Barney,
Defendants-Respondents-Appellants.

Motion Nos. **2022-00078**

2022-00325

Index No. 22051/13E

Case Nos. 2021-04808

2021-04809

An appeal and cross appeal having been taken to this Court from an amended order of the Supreme Court, Bronx County, entered on or about April 12, 2021 (Case No. 2021-04808),

And an appeal and cross appeal having been taken to this Court from a judgment, same Court, entered on or about October 15, 2021 (Case No. 2021-04809),

And defendants-respondents-appellants having moved for an order: dismissing plaintiff's appeal from the April 12, 2021 amended order for failure to timely perfect; dismissing plaintiff's appeal from the October 15, 2021 judgment based on the dismissal of the appeal from the April 12, 2021 amended order, and/or plaintiff's acceptance of payments toward said judgment (M-2022-00078),

And plaintiff-appellant-respondent having cross-moved, inter alia, for an order: deeming any automatic dismissal of her appeal from the April 12, 2021 amended order to have no effect on her appeal from the October 15, 2021 judgment or, if this Court finds the dismissal of plaintiff's appeal from the April 12, 2021 order affects her subsequent appeal from the October 15, 2021 judgment: vacating the dismissal of that appeal or, in the alternative, extending the time to perfect that appeal, nunc pro tunc, to coincide with the deadline for her appeal from the October 15, 2021 judgment or, in the alternative, to deem her appeal from the April 12, 2021 amended order subsumed into her appeal from the October 15, 2021 judgment, and to extend the time to perfect same by an additional 90 days (M-2022-00325),

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 plaintiff-appellant-respondent's cross motion (M-2022-00325), is granted to the extent of vacating the dismissal of her appeal from the April 12, 2021 amended order (Case No. 2021-04808), reinstating said appeal, and extending the time to perfect that appeal, and the appeal from the October 15, 2021 judgment (Case No. 2021-04809), to the September 2022 Term of this Court, and

It is further ordered that defendants-respondents-appellants' motion (M-2022-00078) is denied in its entirety.

ENTERED: March 03, 2022

A handwritten signature in black ink, appearing to read "Susanna Molina Rojas". The signature is fluid and cursive, with the first name "Susanna" being the most prominent part.

Susanna Molina Rojas
Clerk of the Court