

B & H Fla. Notes LLC v W89D5 LLC

Motion No: 2022-04061

Slip Opinion No: 2022 NY Slip Op 74430(U)

Decided on November 17, 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. Cynthia S. Kern,
Ellen Gesmer
Peter H. Moulton
Martin Shulman
Julio Rodriguez III,

Justice Presiding,

Justices.

B and H Florida Notes LLC,
Plaintiff-Respondent-Appellant,

Motion No. **2022-04061**

Index No. 850141/19

Case No. 2022-00361

-against-

W89D5 LLC,
Defendant-Appellant-Respondent,

Alexander Ashkenazi, et al.,
Defendants.

An appeal and cross appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about November 04, 2021, and the appeal having been perfected,

And plaintiff-respondent-appellant having moved, pursuant to 22 NYCRR 1250.10(c), to vacate the dismissal of the cross appeal and, upon reinstatement, for an extension of time in which to perfect the cross appeal, to file a supplemental record, and in which to file a respondent's brief,

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, the dismissal vacated, the cross appeal reinstated, and the time in which to perfect the cross appeal, and file a supplemental record and a respondent's brief, is extended to the March 2023 Term of this Court. Defendant's perfected appeal is, sua sponte, adjourned to the March 2023 Term of this Court.

ENTERED: November 17, 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