

John Macropoulos v City of New York

Motion No: 2024-01293 2024-01696

Slip Opinion No: 2024 NY Slip Op 67294(U)

Decided on May 07, 2024

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,
Jeffrey K. Oing
Julio Rodriguez III
Llinét M. Rosado,

Justice Presiding,

Justices.

John Macropoulos,
Plaintiff,

-against-

Motion Nos. **2024-01293**
2024-01696
Index No. 451904/17
Case No. 2023-04058

The City of New York, New York City
Department of Transportation, The New
York City Department of Environmental
Protection, Consolidated Edison, Inc., and
Turner Construction,
Defendants.

Turner Construction Company,
Third-Party Plaintiff,

-against-

Commodore Construction Corp.,
Third-Party Defendant.

Consolidated Edison Company of New York,
Inc.,
Second Third-Party Plaintiff,

-against-

Triumph Construction Corp., Safeway
Construction Enterprises, Inc. and Citywide
Paving, Inc.,
Second Third-Party Defendants.

An appeal purportedly having been taken to this Court from an order of the Supreme Court, New York County, entered on or about July 31, 2023, denying certain relief sought by third-party defendant, Commodore Construction Corp.,

And said third-party defendant having moved, pursuant to CPLR 5704(a), for the relief denied by the aforesaid order (Motion No. 2024-01293),

And defendant/second third-party plaintiff, Consolidated Edison Company of New York, Inc., having cross-moved, pursuant to CPLR 5701(a) (2), to dismiss the purported appeal (Motion No. 2024-01696),

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 third-party defendant's motion is denied (Motion No. 2024-01293),

And it is further ordered that defendant/second third-party plaintiff's cross-motion to dismiss the purported appeal is granted (Motion No. 2024-01696).

ENTERED: May 07, 2024



Susanna Molina Rojas
Clerk of the Court