

**Supreme Court of the State of New York**  
**Appellate Division: Second Judicial Department**

M268587  
kbp/

RUTH C. BALKIN, J.P.  
CHERYL E. CHAMBERS  
JEFFREY A. COHEN  
FRANCESCA E. CONNOLLY, JJ.

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2019-03529, 2019-05909

DECISION & ORDER ON MOTION

Indymac Mortgage FSB, respondent,  
v Ronald Abruzese, appellant,  
et al., defendants.

(Index No. 102908/08)

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Motion by the appellant pro se, in effect, pursuant to 22 NYCRR 1250.10(c), to vacate the dismissal of appeals from two orders of the Supreme Court, Richmond County, dated June 8, 2018, and December 18, 2018, respectively, which were deemed dismissed pursuant to 22 NYCRR 1250.10(a), to extend the time to perfect the appeals, and to waive certification of the appellant's appendix pursuant to 22 NYCRR 1250.7(g). Separate motion by the appellant pro se for a preference in the calendaring of the appeals. Cross motion by the respondent to dismiss the appeals on the ground that the proposed appendix is inadequate.

Upon the papers filed in support of the appellant's motion, in effect, to vacate the dismissal of the appeals, to extend the time to perfect the appeals, and to waive certification of the appellant's appendix, and the papers filed in opposition thereto, and upon the papers filed in support of the appellant's motion for a preference in the calendaring of the appeals and no papers having been filed in opposition or in relation thereto, and upon the cross motion and the papers filed in opposition thereto, it is

ORDERED that the appellant's motion which is, in effect, to vacate the dismissal of the appeals, to extend the time to perfect the appeals, and to waive certification of the appellant's appendix is granted, the dismissal of the appeals pursuant to 22 NYCRR 1250.10(a) is vacated, the appellant's time to perfect the appeals is extended until February 3, 2020, the appellant's appendix on the appeals and the appellant's brief shall be served and filed on or before that date, and certification of the appellant's appendix is waived; and it is further,

ORDERED that the appellant's motion for a preference in the calendaring of the appeals is denied; and it is further,

January 3, 2020

INDYMAC MORTGAGE FSB v ABRUZESE

Page 1.

ORDERED that the cross motion is denied as premature.

BALKIN, J.P., CHAMBERS, COHEN and CONNOLLY, JJ., concur.

ENTER:   
Aprilanne Agostino  
Clerk of the Court