

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

M271698  
E/sl

MARK C. DILLON, J.P.  
SHERI S. ROMAN  
COLLEEN D. DUFFY  
BETSY BARROS, 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. 102908/2008)

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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). Motion by the respondent to dismiss the appeals on the ground that an appellant's appendix purportedly filed in connection with the appeals is inadequate. Separate motion by the appellant pursuant to 22 NYCRR 1250.10(c) to vacate the dismissal of the appeals and, in effect, to extend the time to perfect the appeals. Separate motion by the appellant, inter alia, in effect, to dismiss the above-entitled action.

Upon the papers filed in support of the respondent's motion and no papers having been filed in opposition or in relation thereto, and upon the papers filed in support of the appellant's motions and the papers filed in opposition thereto, it is

ORDERED that the respondent's motion is denied as the appellant's appendix was not accepted for filing; and it is further,


ORDERED that the appellant's motion pursuant to 22 NYCRR 1250.10(c) to vacate the dismissal of the appeals and, in effect, to extend the time to perfect the appeals 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, and on or before August 17, 2020, the appellant shall serve the record or appendix and the appellant's brief and upload digital copies of the record or appendix and the appellant's brief, with proof of service thereof, through the digital portal on this Court's website, and file an original and five hard copies of the record or appendix and the appellant's brief in accordance with any applicable administrative order or other order to be issued by the Court; and it is further,

ORDERED that the appellant's motion, inter alia, in effect, to dismiss the above-

entitled action is denied.

DILLON, J.P., ROMAN, DUFFY and BARROS, JJ., concur.

ENTER:

  
Aprilanne Agostino  
Clerk of the Court