

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

861

CA 19-00002

PRESENT: WHALEN, P.J., SMITH, DEJOSEPH, CURRAN, AND WINSLOW, JJ.

LAKEVIEW LOAN SERVICING, LLC,
PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

MARK EDWARD FINN, LINDA FINN,
DEFENDANTS-APPELLANTS,
ET AL., DEFENDANT.

LEGAL ASSISTANCE OF WESTERN NEW YORK, INC., GENEVA (AMARIS
ELLIOTT-ENGEL OF COUNSEL), FOR DEFENDANTS-APPELLANTS.

SCHILLER, KNAPP, LEFKOWITZ & HERTZEL, LLP, LATHAM (GREGORY J. SANDA OF
COUNSEL), FOR PLAINTIFF-RESPONDENT.

Appeal from an order of the Supreme Court, Wayne County (John B. Nesbitt, A.J.), entered April 2, 2018. The order, inter alia, granted the motion of plaintiff for summary judgment and appointed a referee.

It is hereby ORDERED that said appeal is unanimously dismissed without costs.

Memorandum: In this residential foreclosure action, Mark Edward Finn and Linda Finn (defendants) appeal from an order granting plaintiff's motion for, inter alia, summary judgment on the complaint and an order of reference. A final judgment of foreclosure and sale was subsequently entered in this action, and defendants did not appeal from that judgment. Inasmuch as "[t]he right to appeal from an intermediate order terminates with the entry of a final judgment" (*Matter of Scott v Manilla*, 203 AD2d 972, 973 [4th Dept 1994]; see generally CPLR 5501 [a] [1]), this appeal from the intermediate order must be dismissed (see *Matter of Aho*, 39 NY2d 241, 248 [1976]).

Entered: October 4, 2019

Mark W. Bennett
Clerk of the Court