

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

M95272
E/sl

MARK C. DILLON, J.P.
JOSEPH COVELLO
DANIEL D. ANGIOLILLO
LEONARD B. AUSTIN, JJ.

2008-10400, 2009-04315

DECISION & ORDER ON MOTION

Centex Home Equity, respondent,
v Amy Cheng, et al., defendants,
Ming Chien Hsu, et al., appellants.

(Index No. 31307/01)

Motion by the appellant Sun-Ming Sheu to consolidate appeals from an order of the Supreme Court, Queens County, dated August 14, 2008 (Appellate Division Docket No. 2008-10400), and a judgment of the same court entered April 7, 2009 (Appellate Division Docket No. 2009-04315).

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that on the court's own motion, the appeal from the order dated August 14, 2008 (Appellate Division Docket No. 2008-10400), is dismissed, without costs or disbursements, as superseded by the judgment entered April 7, 2009 (*see Matter of Aho*, 39 NY2d 241); and it is further,

ORDERED that the motion is denied as academic; and it is further,

ORDERED that on the court's own motion, the time to perfect the appeal from the judgment entered April 7, 2009 (Appellate Division Docket No. 2009-04315), is enlarged until December 31, 2009, and the record or appendix on the appeal and the appellants' brief(s) must be served and filed on or before that date; and it is further,

December 1, 2009

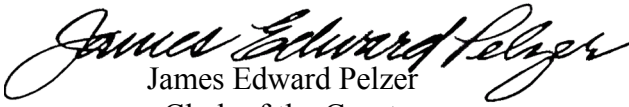
Page 1.

CENTEX HOME EQUITY v CHENG

ORDERED that no further enlargement of time shall be granted.

DILLON, J.P., COVELLO, ANGIOLILLO and AUSTIN, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court