

150 A.D.3d 675

Supreme Court, Appellate Division,
Second Department, New York.

Maribeth D'ALAURO, appellant,

v.

Richard Peter D'ALAURO, respondent.

May 3, 2017.

Attorneys and Law Firms

Andrew J. Wigler, Great Neck, NY (**Eyal Talassazan** of counsel), for appellant.

Vesselin Mitev, Miller Place, NY, for respondent.

Opinion

Appeal from an order of the Supreme Court, Suffolk County (John C. Bivona, J.), dated January 14, 2014. The order, insofar as appealed from, granted that branch of the defendant's motion which was to vacate a prior order of that court dated March 4, 2013, granting that branch of the plaintiff's motion which was to direct the defendant to utilize a portion of his 401K funds to bring the mortgage on the

marital residence current, and directing the defendant to act as a receiver and sell the marital residence.

ORDERED that the appeal is dismissed, without costs or disbursements.

The appeal from the order dated January 14, 2014, must be dismissed because the right of direct appeal therefrom terminated with the entry of a judgment in the action dated July 21, 2015 (*see Matter of Aho*, 39 N.Y.2d 241, 248, 383 N.Y.S.2d 285, 347 N.E.2d 647). The issues raised on the appeal from that order are brought up for review and have been considered on the appeal from the judgment (*D'Alauro v. D'Alauro*, 150 A.D.3d 675, 53 N.Y.S.3d 362, 2017 WL 1658505 [Appellate Division Docket No. 2015–09957; decided herewith]; *see CPLR 5501[a][1]*; *Matter of Aho*, 39 N.Y.2d at 248, 383 N.Y.S.2d 285, 347 N.E.2d 647).

*427 BALKIN, J.P., AUSTIN, LaSALLE and BRATHWAITE NELSON, JJ., concur.

All Citations

150 A.D.3d 675, 51 N.Y.S.3d 426 (Mem), 2017 N.Y. Slip Op. 03479