

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

D48481
T/htr

_____AD3d_____

Argued - February 2, 2016

CHERYL E. CHAMBERS, J.P.
LEONARD B. AUSTIN
SANDRA L. SGROI
COLLEEN D. DUFFY, JJ.

2014-03132

DECISION & ORDER

Indymac Venture, LLC, respondent, v Dennis S.
Poulos, also known as Dennis Poulos, et al., appellants,
et al., defendants.

(Index No. 34310/10)

Peter R. Shipman, Hempstead, NY, for appellants.

Stim & Warmuth, P.C., Farmingville, NY (Glenn P. Warmuth of counsel), for
respondent.

In an action to foreclose a mortgage, the defendants Dennis S. Poulos, also known
as Dennis Poulos, and Susan V. Poulos, also known as Susan Poulos, appeal from an order of the
Supreme Court, Suffolk County (Pines, J.), dated December 9, 2013, which denied their motion
pursuant to CPLR 3215(c) to dismiss the amended complaint insofar as asserted against them.

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

Dennis S. Poulos, also known as Dennis Poulos, and Susan V. Poulos, also known
as Susan Poulos (hereinafter together the defendants), appeal from an intermediate order dated
December 9, 2013, which denied their motion pursuant to CPLR 3215(c) to dismiss the amended
complaint insofar as asserted against them. A judgment of foreclosure and sale was entered in this
action on January 2, 2015. The defendants appealed from the judgment, but failed to perfect that
appeal (*see* 22 NYCRR 670.8[e]). Since the right of direct appeal from the intermediate order
terminated with the entry of judgment in the action (*see Matter of Aho*, 39 NY2d 241, 248), we must
dismiss this appeal.

CHAMBERS, J.P., AUSTIN, SGROI and DUFFY, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

March 30, 2016

INDYMAC VENTURE, LLC v POULOS