

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

D48483  
T/htr

\_\_\_\_\_AD3d\_\_\_\_\_

Argued - February 2, 2016

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

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2014-05453

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)

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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 April 15, 2014, which denied their motion pursuant  
to CPLR 3211(a)(8) to dismiss the amended complaint insofar as asserted against them.

ORDERED that the appeal is dismissed, without costs.

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 April  
15, 2014, which denied their motion pursuant to CPLR 3211(a)(8) 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