

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

M71901
E/sl

DAVID S. RITTER, J.P.
HOWARD MILLER
MARK C. DILLON
WILLIAM E. McCARTHY, JJ.

2007-10934, 2008-04717

DECISION & ORDER ON MOTION

RKO Properties, Ltd., appellant,
v Shaya Boymelgreen, et al., respondents;
Ira D. Tokayer, nonparty-appellant.

(Index No. 29822/02)

Motion by the respondents to dismiss an appeal from an order of the Supreme Court, Queens County, dated November 14, 2007, as superseded by an order of the same court dated January 24, 2008, and to dismiss the appeal from the order dated January 24, 2008, on the ground that it was untimely taken, or, in the alternative, to dismiss the appeals on the ground that they have been rendered academic.

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

ORDERED that the motion is denied.

RITTER, J.P., MILLER, DILLON and McCARTHY, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

June 16, 2008

RKO PROPERTIES, LTD. v BOYMELGREEN