

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

M71991  
E/sl

REINALDO E. RIVERA, J.P.  
ROBERT A. LIFSON  
FRED T. SANTUCCI  
HOWARD MILLER, JJ.

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2008-05405

DECISION & ORDER ON MOTION

68-49 Woodhaven Boulevard Holding Corp.  
plaintiff-respondent, v Exxon Mobil Corporation,  
etc., defendant third-party plaintiff-appellant;  
AC Woodhaven, Inc., et al., third-party  
defendant-respondent.

(Index No. 1353/05)

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Motion by the defendant third-party plaintiff-appellant to stay enforcement of a judgment of the Supreme Court, Queens County, entered April 25, 2008, pending hearing and determination of an appeal therefrom.

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


ORDERED that the motion is granted, and enforcement of the judgment is stayed, including, but not limited to, enforcement of the restraining notice to Citibank, N.A., dated June 4, 2008, and the Levy and Final Demand dated June 4, 2008, pending hearing and determination of the appeal on condition that the appeal is perfected on or before July 18, 2008; and it is further,

ORDERED that in the event the appeal is not perfected on or before July 18, 2008, the court, on its own motion, may vacate the stay, or the plaintiff-respondent or the third-party defendants-respondents may move to vacate the stay, on three days notice; and it is further,

ORDERED that the Marshal shall hold onto and retain the funds levied upon at Citibank pending hearing and determination of the appeal or until further order of this court.

RIVERA, J.P., LIFSON, SANTUCCI and MILLER, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

June 18, 2008

68-49 WOODHAVEN BOULEVARD HOLDING CORP. v EXXON MOBIL CORPORATION