

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

M71996  
E/sl

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

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2008-04774, 2008-04776

DECISION & ORDER ON MOTION

Denis Tarakanov, etc., et al., respondents,  
v Empire United Lines Co., Inc., et al., appellants.

(Index No. 28929/07)

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Motion by the appellants, in effect, to stay enforcement of so much of an order of the Supreme Court, Kings County, dated May 1, 2008, as directed the release of the subject motor vehicles pending hearing and determination of appeals from that order and another order of the same court, also dated May 1, 2008.


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 so much of the order dated May 1, 2008, as directed the release of the subject motor vehicles pending hearing and determination of the appeals is stayed, on condition that (1) on or before July 30, 2008, the appellants post an undertaking with corporate surety in the sum of \$125,000 in the office of the Clerk of the Supreme Court, Kings County, in terms that if the orders appealed from, or any part of them, are affirmed, the surety will indemnify the respondents if it is ultimately determined that the respondents sustained a loss due to the conduct of the appellants during the period that the stay was in effect, and (2) the appeals are perfected on or before July 30, 2008; and it is further,

ORDERED that in the event the appellants do not comply with the foregoing conditions, the court, on its own motion, may vacate the stay, or the respondents may move to vacate the stay, on three days notice.

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

ENTER:

  
James Edward Pelzer  
Clerk of the Court

July 1, 2008

TARAKANOV v EMPIRE UNITED LINES CO., INC.