

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

M72152
E/sl

WILLIAM F. MASTRO, J.P.
MARK C. DILLON
RANDALL T. ENG
ARIEL E. BELEN, JJ.

2008-05182

DECISION & ORDER ON MOTION

Tri State Services Corp., plaintiff,
v Evelyn Kerwin, defendant; Mimie
Jagassar, nonparty.

(Index No. 27191/02)

Motion by the Mimie Jagassar for leave to appeal to this court from an order of the Supreme Court, Queens County, dated June 4, 2008, and, inter alia, to stay the sale of the subject real property pending hearing and determination of the appeal.

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

ORDERED that the branch of the motion which is for leave to appeal is denied; and it is further,

ORDERED that the motion is otherwise denied as academic.

MASTRO, J.P., DILLON, ENG and BELEN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

June 23, 2008

TRI STATE SERVICES CORP. v KERWIN