

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

M77021
E/sl

ROBERT A. SPOLZINO, J.P.
DAVID S. RITTER
FRED T. SANTUCCI
EDWARD D. CARNI, JJ.

2008-00938, 2008-00939

DECISION & ORDER ON MOTION

Pinecrest National Funding, LLC, plaintiff,
v Atlas-B Properties, Inc., et al., defendants.
(Matter No. 1)

In the Matter of Anthony Tirone, etc., petitioner-
respondent, v Atlas-B Properties, Inc., et al.,
respondents, Tom Tompkins, appellant.
(Matter No. 2)

(And other titles)

(Index Nos. 07-233, 07-3963)

Motion by the appellant, inter alia, to stay his eviction from the subject premises, pending hearing and determination of appeals from an order of the Supreme Court, Westchester County, entered December 5, 2007, and a judgment of the same court entered January 11, 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 to the extent that Pinecrest National Funding, its agents and attorneys, as well as the Sheriff or Marshall are stayed from enforcing a judgment of possession entered in the above-entitled action on September 25, 2008, and a warrant of eviction in the above-entitled action dated September 25, 2008, both concerning the appellant, pending hearing and determination of the appeals, and the motion is otherwise denied.

SPOLZINO, J.P., RITTER, SANTUCCI and CARNI, JJ., concur.

ENTER:


James Edward Pelzer

October 10, 2008

PINECREST NATIONAL FUNDING, LLC v AATLAS-B PROPERTIES, INC.

Clerk of the Court

October 10, 2008

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