

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

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E/sl

PETER B. SKELOS, J.P.
DANIEL D. ANGIOLILLO
RUTH C. BALKIN
ARIEL E. BELEN, JJ.

2008-08899

DECISION & ORDER ON MOTION

Emco Tech Construction Corp., respondent,
v Anthony Pilavas, et al., appellants, et al.,
defendants.

(Index No. 17967/05)

Motion by Anthony Pilavas on an appeal from a judgment of the Supreme Court, Nassau County, entered August 25, 2008, to stay Frank Siracusa, Marshal, City of New York, from releasing to the respondent the sum of \$180,081.24, which was levied from Pilavas's account at Atlantic Bank, and to direct Siracusa to return that money to him.

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 Frank Siracusa, Marshal, City of New York, is directed to return to Anthony Pilavas the sum of \$171,490.95, which was levied from his account at Atlantic Bank, and the motion is otherwise denied; and it is further,

ORDERED that Frank Siracusa shall retain the sum of \$8,590.29, as his fees and expenses.

SKELOS, J.P., ANGIOLILLO, BALKIN and BELEN, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

October 22, 2008

EMCO TECH CONSTRUCTION CORP. v PILAVAS