

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

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E/cb

A. GAIL PRUDENTI, P.J.
WILLIAM F. MASTRO
STEVEN W. FISHER
MARK C. DILLON, JJ.

2008-04353

DECISION & ORDER ON

MOTION

Central Equities Credit Corp., appellant-respondent, v B & N Properties, LLC, et al., respondents-appellants, Elmar Associates, LLC, et al., respondents, et al., defendants.

(Index No. 43274/00)

Motion by Sheldon Eisenberger, Esq., the attorney for the respondents-appellants 54 & 54 Avenue N Realty Corp., N.J. Fabian Realty Corp., Jul-Jac Funding Corp., and Henry Gutman, for leave to withdraw as counsel on an appeal and cross appeals from an order of the Supreme Court, Kings County, dated March 27, 2008. Cross motion by the respondents to dismiss the cross appeal of the respondents-appellants 54 & 54 Avenue N Realty Corp., N.J. Fabian Realty Corp., Jul-Jac Funding Corp., and Henry Gutman from so much of the order dated March 27, 2008, as determined the motion and cross motion for summary judgment, and to dismiss the cross appeal of the respondent-appellant Zalman Klein on the ground that those parties are not aggrieved by the order dated March 27, 2008.

Upon the papers filed in support of the motion and the cross motion, the papers filed in opposition to the motion, and no papers having been filed in opposition or in relation to the cross motion, it is

ORDERED that the motion is granted, and Sheldon Eisenberger, Esq., is relieved from representing the respondents-appellants 54 & 54 Avenue N Realty Corp., N.J. Fabian Realty Corp., Jul-Jac Funding Corp., and Henry Gutman with respect to the instant appeal; and it is further,

ORDERED that on or before November 10, 2008, Sheldon Eisenberger, Esq., is

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directed to serve his client by one of the methods specified in CPLR 2103(c), with a copy of this decision and order on motion and shall file proof of such service with the Clerk of this court; and it is further,

ORDERED that no further proceedings shall be taken against the respondents-appellants 54 & 54 Avenue N Realty Corp., N.J. Fabian Realty Corp., Jul-Jac Funding Corp., and Henry Gutman, without leave of the court, until the expiration of 30 days after service upon them of a copy of this decision and order on motion; and it is further,

ORDERED that the appellant-respondent's time to perfect the appeal is enlarged until January 9, 2009, and the record or appendix on the appeal and the appellant-respondent's brief must be served and filed on or before that date; and it is further,

ORDERED that the cross motion is granted to the extent that the cross appeal of the respondents-appellants 54 & 54 Avenue N Realty Corp., N.J. Fabian Realty Corp., Jul-Jac Funding Corp., and Henry Gutman with respect to so much of the order as determined the motion and cross motion for summary judgment is dismissed, without costs and disbursements, and the cross appeal of the respondent-appellant Zalman Klein is dismissed, without costs or disbursements (*see Marino v Termini*, 4 AD3d 342).

PRUDENTI, P.J., MASTRO, FISHER and DILLON, JJ., concur.

ENTER: 

James Edward Pelzer
Clerk of the Court