

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

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ROBERT A. SPOLZINO, J.P.
DAVID S. RITTER
HOWARD MILLER
EDWARD D. CARNI, JJ.

2006-07630, 2006-07817, 2007-04457,
2007-09213, 2008-00280, 2008-00363

DECISION & ORDER ON MOTION

Merkos L'Inyonei Chinuch, Inc., et al., respondents,
v Mendel Sharf, et al., defendants, Congregation
Lubavitch, Inc., appellant.
(Appeals Nos. 1, 2, 4, 5, 6)

Merkos L'Inyonei Chinuch, Inc., respondent-appellant,
et al., plaintiff, v Mendel Sharf, et al., defendants,
Congregation Lubavitch, Inc., appellant-respondent.
(Appeal No. 3)

(Index No. 40288/04)

Motion by Merkos L'Inyonei Chinuch, Inc., on appeals from three orders of the Supreme Court, Kings County, dated June 30, 2006, September 6, 2007, and November 14, 2007, respectively, appeals from two orders and judgments (one paper each) of the same court dated June 19, 2006, and December 27, 2007, respectively, and an appeal and cross appeal from an order of the same court dated March 27, 2007, inter alia, to modify a decision and order on motion of this court dated January 31, 2008, which stayed enforcement of the order and judgment dated December 27, 2007, pending hearing and determination of the appeal therefrom, by adding thereto a provision "permitting the Supreme Court, Kings County, to hear and determine whether Merkos L'Inyonei Chinuch, Inc., may install and operate certain security enhancements within the premises that it owns located at 770/784-788 Eastern Parkway, Brooklyn, New York".

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

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ORDERED that the branch of the motion which is to modify the decision and order on motion of this court dated January 31, 2008, by adding thereto a provision “permitting the Supreme Court, Kings County, to hear and determine whether Merkos L’Inyonei Chinuch, Inc., may install and operate certain security enhancements within the premises that it owns located at 770/784-788 Eastern Parkway, Brooklyn, New York” is denied as unnecessary, as the decision and order of this court dated January 31, 2008, does not prevent the Supreme Court, Kings County, from hearing and determining whether Merkos L’Inyonei Chinuch, Inc., may install and operate certain security enhancements within the premises that it owns located at 770/784-788 Eastern Parkway, Brooklyn, New York; and it is further,

ORDERED that the motion is otherwise denied.

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

ENTER:



James Edward Pelzer
Clerk of the Court