

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

M79095
E/sl

STEVEN W. FISHER, J.P.
ANITA R. FLORIO
EDWARD D. CARNI
CHERYL E. CHAMBERS, JJ.

2008-10065

DECISION & ORDER ON MOTION

233 East 17th Street, LLC, appellant,
v L.G.B. Development, Inc., et al., respondents.

(Index No. 9119/07)

2008-10058

John Rogowski, plaintiff,
v 233 East 17th Street, LLC, defendant third-party
plaintiff; L.G.B. Development, Inc., third-party
defendant.

(Index No. 16676/06)


Motion by 233 East 17th Street, LLC, for leave to appeal to this court from an order of the Supreme Court, Queens County, entered October 8, 2008, and to stay the trial in the action entitled *Rogowski v 233 East 17th Street, LLC*, pending hearing and determination of the appeal from that order as well as an appeal from an order of the same court entered September 22, 2008 (Appellate Division Docket No. 2008-10065).

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

ORDERED that the motion is denied.

FISHER, J.P., FLORIO, CARNI and CHAMBERS, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

December 2, 2008

233 E. 17TH STREET, LLC v L.G.B. DEVELOPMENT, INC.