

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

M86410  
E/cb

ROBERT A. SPOLZINO, J.P.  
DANIEL D. ANGIOLILLO  
JOHN M. LEVENTHAL  
PLUMMER E. LOTT, JJ.

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2009-03310

DECISION & ORDER ON MOTION

Kyung Ja Lee, appellant, v HSBC  
Mortgage Corporation, respondent.

(Index No. 287/08)

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Motion by the appellant to stay her eviction from the subject premises pending hearing and determination of an appeal from an order of the Supreme Court, Queens County, dated April 1, 2009.

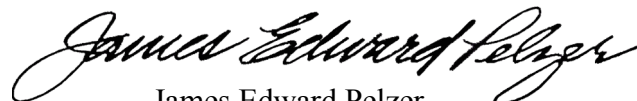
Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that on the court's own motion, the appeal is dismissed, without costs or disbursements, on the ground that no appeal lies as of right from an order that is not the result of a motion made on notice (*see* CPLR 5701), and we decline to grant leave to appeal; and it is further,

ORDERED that the motion is denied as academic.

SPOLZINO, J.P., ANGIOLILLO, LEVENTHAL and LOTT, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

May 11, 2009

LEE v HSBC MORTGAGE CORPORATION