

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

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E/cb

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

2008-10219

DECISION & ORDER ON MOTION

Spartan Restaurant Holdings Corp., etc.,
plaintiff, v One-Two Jericho Plaza Owner,
LLC, et al., defendants.

(Index No. 20192/08)

Motion by the plaintiff for leave to appeal to this court from an order of the Supreme Court, Nassau County, on November 10, 2008, and, inter alia, to stay her eviction pending hearing and determination of the appeal.

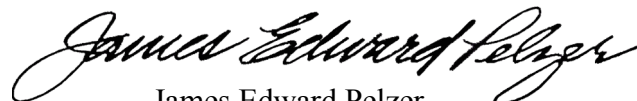
Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the branch of the motion which is for leave to appeal is denied; and it is further,

ORDERED that the motion is otherwise denied as academic.

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

ENTER:



James Edward Pelzer
Clerk of the Court

May 11, 2009

SPARTAN RESTAURANT HOLDINGS CORP. v
ONE-TWO JERICHO PLAZA OWNER, LLC