

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

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E/cb

STEVEN W. FISHER, J.P.
MARK C. DILLON
JOSEPH COVELLO
THOMAS A. DICKERSON, JJ.

2009-04135

DECISION & ORDER ON MOTION

Taana Running, et al., plaintiffs, v Fifth
and Bergen Housing Development Fund
Corporation, et al., defendants.

(Index No. 384/05)

Motion by the defendant Fifth and Bergen Housing Development Fund Corporation for leave to appeal to this court from a decision of the Supreme Court, Kings County, dated March 30, 2009, and to stay enforcement of the decision 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

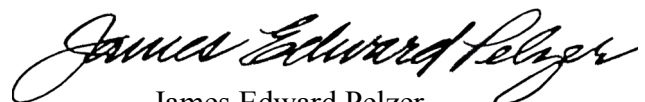
ORDERED that the branch of the motion which is for leave to appeal is denied; and it is further,

ORDERED that on the court's own motion, the appeal purportedly taken as of right is dismissed, without costs or disbursements (*see Schicchi v J.A. Green Constr. Co.*, 100 AD2d 509); and it is further,

ORDERED that the branch of the motion which is to stay enforcement of the order is denied as academic.

FISHER, J.P., DILLON, COVELLO and DICKERSON, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

May 18, 2009

RUNNING v FIFTH & BERGEN HOUSING DEVELOPMENT FUND CORPORATION