

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

M87897  
E/sl

A. GAIL PRUDENTI, P.J.  
FRED T. SANTUCCI  
HOWARD MILLER  
LEONARD B. AUSTIN, JJ.

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2009-05095

DECISION & ORDER ON MOTION

NYCTL 1998-2 Trust, etc., plaintiff,  
v Michael Holdings, Inc., respondent,  
et al., defendants; L.T. Motors Auto Sales,  
Inc., nonparty-appellant.

(Index No. 17109/06)

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Motion by the nonparty-appellant, in effect, to stay the distribution of certain surplus monies or, in the alternative, to direct the respondent to post an undertaking, pending hearing and determination of an appeal from an order of the Supreme Court, Queens County, entered May 8, 2009.

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

ORDERED that the motion is denied.

PRUDENTI, P.J., SANTUCCI, MILLER and AUSTIN, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

June 11, 2009

NYCTL 1998-2 TRUST v MICHAEL HOLDINGS, INC.