

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

M88634  
E/sl

ROBERT A. SPOLZINO, J.P.  
PETER B. SKELOS  
MARK C. DILLON  
JOHN M. LEVENTHAL, JJ.

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2008-09587

DECISION & ORDER ON MOTION

In the Matter of 214-216-218 Tenants Association,  
etc., petitioner-respondent, v New York State  
Division of Housing and Community Renewal,  
respondent, President Adams Realty, LLC,  
appellant.

(Index No. 45777/07)

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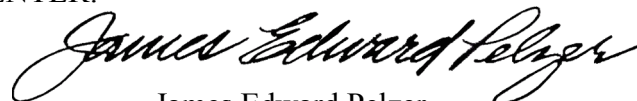
Motion by the appellant to recall and vacate a decision and order on motion of this court dated April 17, 2009, which dismissed an appeal from an order of the Supreme Court, Kings County, dated August 21, 2008, on the ground that the order was not appealable as of right, and to reinstate the appeal or, in the alternative, for leave to appeal to this court from the order dated August 21, 2008.

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

ORDERED that the motion is denied.

SPOLZINO, J.P., SKELOS, DILLON and LEVENTHAL, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

June 29, 2009

MATTER OF 214-216-218 TENANTS ASSOCIATION v NEW YORK STATE DIVISION OF  
HOUSING AND COMMUNITY RENEWAL