

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

M90231
S/sl

PETER B. SKELOS, J.P.
THOMAS A. DICKERSON
ARIEL E. BELEN
LEONARD B. AUSTIN, JJ.

2009-06177, 2009-06179

DECISION & ORDER ON MOTION

Meyers Building LLC, appellant,
v Tap P. Realty Corp., respondent

(Index No. 08-7154)

Motion by the appellant on appeals from two orders of the Supreme Court, Westchester County, entered June 2, 2009, and dated June 29, 2009, respectively, to stay so much of the order dated June 29, 2009, as directed it to post a bond in the sum of \$75,000 as a condition for obtaining injunctive relief, pending hearing and determination of the appeals.

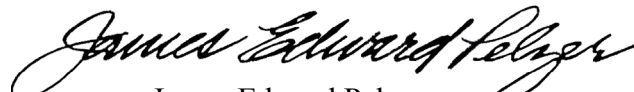
Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the motion is granted to the extent that so much of the order dated June 29, 2009, as directed the appellant to post a bond in the sum of \$75,000 is stayed, pending hearing and determination of the appeals on condition that (1) on or before August 14, 2009, the appellant post a bond in the sum of \$50,000, pending hearing and determination of the appeals, in accordance with the orders, entered June 2, 2009, and dated June 29, 2009, and (2) the appeals are perfected on or before September 15, 2009; and it is further,

ORDERED that in the event the appellant does not post a bond in the sum of \$50,000, on or before August 14, 2009, or the appeals are not perfected on or before September 15, 2009, the court, on its own motion, may vacate the stay, or the respondent may move to vacate the stay, on three days notice.

SKELOS, J.P., DICKERSON, BELEN and AUSTIN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

August 3, 2009

MEYERS BUILDING, LLC v TAP P. REALTY CORP.