

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

M90605
E/sl

A. GAIL PRUDENTI, P.J.
REINALDO E. RIVERA
JOSEPH COVELLO
PLUMMER E. LOTT, JJ.

2009-06227

DECISION & ORDER ON MOTION
Motion to Dismiss Appeal

168 Realty Corporation, appellant,
v Yanling Yu, et al., respondents.

(Index No. 5627/08)

Motion by the appellant to compel the respondent Yanling Yu to pay retroactive and prospective use and occupancy pending an appeal from an order of the Supreme Court, Queens County, entered May 12, 2009. Separate motion by the respondent Yanling Yu to dismiss the appeal on the ground that no appeal lies from an order denying reargument and for an award of costs.

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

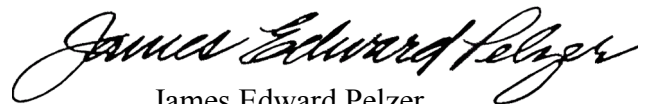
ORDERED that the branch of the respondent Yanling Yu's motion which is to dismiss the appeal on the ground that no appeal lies from an order denying reargument is granted and the appeal is dismissed, without costs or disbursements, and it is further,

ORDERED that the branch of the motion of the respondent Yanling Yu's which is for an award of costs is denied; and it is further,

ORDERED that the appellant's motion is denied as academic.

PRUDENTI, P.J., RIVERA, COVELLO and LOTT, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

August 10, 2009

168 REALTY CORPORATION v YANLING YU