

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

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E/sl

MARK C. DILLON, J.P.
JOSEPH COVELLO
DANIEL D. ANGIOLILLO
LEONARD B. AUSTIN, JJ.

2009-00729, 2009-03890, 2009-06739

DECISION & ORDER ON MOTION

Anderson Street Realty Corp., appellant,
v New Rochelle Revitalization, LLC, respondent.
(Appeal Nos. 1 and 2)

Anderson Street Realty Corp., respondent,
v New Rochelle Revitalization, LLC, appellant.
(Appeal No. 3)

(Index No. 08-22975)

Motion by New Rochelle Revitalization, LLC, on appeals from three orders of the Supreme Court, Westchester County, entered December 15, 2008, March 25, 2009, and June 9, 2009, to stay all proceedings in the above-entitled action pending hearing and determination of the appeal from the order entered June 9, 2009.

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

ORDERED that on the court's own motion, the appeal from the order entered December 15, 2008 (Appellate Division Docket No. 2009-00729), is dismissed, without costs or disbursements, as superseded by the order entered June 9, 2009 (Appellate Division Docket No. 2009-06739); and it is further,

ORDERED that on the court's own motion, the appeal from the order entered March 25, 2009 (Appellate Division Docket No. 2009-03890), is dismissed, without costs or disbursements, on the ground that no appeal lies as of right from an order that does not determine a motion made on notice (*see* CPLR 5701), and we decline to grant leave to appeal; and it is further,

August 14, 2009

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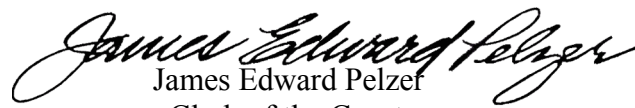
ANDERSON STREET REALTY CORP. v NEW ROCHELLE REVITALIZATION, LLC

ORDERED that the motion is granted, and all proceedings in the above-entitled action are stayed pending hearing and determination of the appeal from the order entered June 9, 2009, on condition that the appeal is perfected on or before September 14, 2009; and it is further,

ORDERED that in the event the appeal is not perfected on or before September 14, 2009, the court, on its own motion, may vacate the stay, or Anderson Street Realty Corp. may move to vacate the stay, on three days notice.

DILLON, J.P., COVELLO, ANGIOLILLO and AUSTIN, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court