

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

M91038
E/sl

PETER B. SKELOS, J.P.
ANITA R. FLORIO
JOSEPH COVELLO
RUTH C. BALKIN, JJ.

2009-02664, 2009-05886, 2009-05986,
2009-05987

DECISION & ORDER ON MOTION

99 Commercial St., Inc., respondent,
v Jerzy Zdrodowski, et al., defendants,
Michael Fogel, et al., appellants.

(Index No. 15164/06)

Motion by Michael Fogel, Lucas Zychlinski, and Janette Shelly for leave to appeal to this court from three orders of the Supreme Court, Kings County, dated April 3, 2009, April 17, 2009, and June 5, 2009, respectively, and, inter alia, in effect, to stay their eviction from the subject premises and to enjoin 99 Commercial St., Inc., from renting the subject premises, pending hearing and determination of those appeals and an appeal from an order of the same court dated March 26, 2009.

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

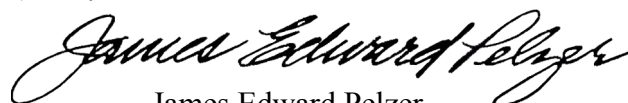
ORDERED that the branch of the motion which is for leave to appeal is denied; and it is further,

ORDERED that on the court's own motion, the appeals from the orders dated April 3, 2009, April 17, 2009, and June 5, 2009 (Appellate Division Docket Nos. 2009-05886, 2009-05986, 2009-05987), purportedly taken as of right, are dismissed, without costs or disbursements (*see* CPLR 5701[a][2]); and it is further,

ORDERED that the motion is otherwise denied.

SKELOS, J.P., FLORIO, COVELLO and BALKIN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

August 20, 2009

99 COMMERCIAL ST., INC. v ZDRODOWSKI