

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

M91089
E/sl

STEVEN W. FISHER, J.P.
ANITA R. FLORIO
JOSEPH COVELLO
THOMAS A. DICKERSON, JJ.

2009-04543, 2009-06501, 2009-06593

DECISION & ORDER ON MOTION

In the Matter of Eastern Capital Group, LLC,
respondent, v 1252 East 19th Rainspring, LLC,
appellant.

(Index No. 24614/08)

Motion by 1252 East 19th Rainspring, LLC, for leave to appeal to this court from an order of the Supreme Court, Kings County, dated July 20, 2009, to stay any sale of the subject real property and “proceedings predicate to [the] sale” pending hearing and determination of the appeal, as well as appeals from two orders of the same court dated March 30, 2009, and July 13, 2009, respectively, and to consolidate the appeal from the order dated July 20, 2009, with the appeals from the orders dated March 30, 2009, and July 13, 2009, and for leave to reargue those branches of its prior motion which were to stay the sale, which were determined by decisions and orders on motion dated June 4, 2009, and August 10, 2009, respectively.

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 the branch of the motion which is to consolidate the appeal from the order dated July 20, 2009, with the appeals from the orders dated March 30, 2009, and July 13, 2009, is denied as academic; and it is further,

August 21, 2009

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ORDERED that the motion is otherwise denied.

FISHER, J.P., FLORIO, COVELLO and DICKERSON, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court