

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 11, 2019.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Judith J. Gische
Peter Tom
Ellen Gesmer
Peter H. Moulton, Justices.

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Paul Holm and Lee Holm,
Plaintiffs,

-against-

M-7553
Index No. 158522/17

305 West End Property LLC and
305 West End Avenue Operating LLC,
Defendants.

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Plaintiffs having moved pursuant to CPLR 5518 for a temporary restraining order enjoining defendants from interfering, in any way, with plaintiffs erecting and using a "sukkah" on the roof terrace of the subject building, and/or staying, pursuant to CPLR 5519(c), the order of the Supreme Court, New York County, dated October 2, 2019 and entered October 3, 2019, which denied plaintiffs' application for a temporary restraining order, pending the determination of plaintiffs' purported appeal therefrom,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion, deemed to include a request for relief pursuant to CPLR 5704(a), is granted to the extent of staying defendants from interfering, in any way, with plaintiffs erecting and using a "sukkah" on the roof terrace of the subject building for the 2019 "Sukkot" holiday, pending hearing and determination of plaintiffs' motion brought on by order to show cause, which is returnable in Supreme Court, New York County, on December 5, 2019.

ENTERED:


CLERK