

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 May 16, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Richard T. Andrias
Marcy L. Kahn
Peter H. Moulton, Justices.

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Hubert G. Neumann,

Plaintiff-Appellant,

-against-

M-2358
Index No. 652170/18

Sotheby's, Inc.,

Defendant-Respondent.
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An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 9, 2018,

And plaintiff-appellant having moved for an order in the nature of stay, preventing defendant-respondent, its agents, its assigns, or anyone acting in concert with it, from offering for sale and/or selling, brokering or otherwise facilitating the transfer of ownership, at auction or otherwise, of a painting known as "Flesh and Spirit" (1982/1983) by Jean-Michel Basquiat, pending hearing and determination of the aforesaid appeal,

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 is denied.

ENTERED:


CLERK