

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

M266430

E/sl

MARK C. DILLON, J.P.
JOHN M. LEVENTHAL
ANGELA G. IANNACCI
LINDA CHRISTOPHER, JJ.

2019-09323, 2019-11503

DECISION & ORDER ON MOTION

Olden Group, LLC, appellant,
v 2890 Review Equity, LLC, et al.,
respondents.
(Matter No. 1)

Olden Group, LLC, plaintiff,
v 2890 Review Equity, LLC, et al.,
defendants.
(Matter No. 2)

(Index No. 705889/18)

Application by Olden Group, LLC, pursuant to CPLR 5704 to review the refusal by the Supreme Court, Queens County, to execute an order to show cause, which occurred on July 22, 2019, and to grant the proposed interim relief sought therein to stay 2890 Review Equity, LLC, 2890 Review Tic Owner LLC, and Debello Donnellan Weingarten Wise & Wiederkehr, LLP, from transferring, conveying, or encumbering the real property located at 28-90 Review Avenue, Long Island City, New York, pending determination of the order to show cause. Motion by Olden Group, LLC, inter alia, for leave to appeal to this Court from the refusal by the Supreme Court, Queens County, to execute an order to show cause, which occurred on July 22, 2019.

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

ORDERED that the application is granted, the motion by Olden Group, LLC, to restore the case and allow it to replead pursuant to CPLR 3211(e) or, in the alternative, to restore the case and allow it to amend the pleadings pursuant to CPLR 3025, and for a preliminary injunction is remitted to the Supreme Court, Queens County, to be returnable at a date and time convenient to the court, for determination by the court, and, pending determination of that motion, 2890 Review Equity, LLC, 2890 Review Tic Owner LLC, and Debello Donnellan Weingarten Wise & Wiederkehr, LLP, are stayed from transferring, conveying, or encumbering the real property located at 28-90 Review Avenue, Long Island City, New York; and it is further,

ORDERED that the motion is denied; and it is further,


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ORDERED that on the Court's own motion, the appeal purportedly taken as of right from the refusal by the Supreme Court, Queens County, to execute an order to show cause, which occurred on July 22, 2019, is dismissed, without costs or disbursements.

DILLON, J.P., LEVENTHAL, IANNACCI and CHRISTOPHER, JJ., concur.

ENTER: 
Aprilanne Agostino
Clerk of the Court