

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 July 18, 2016.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Richard T. Andrias
Troy K. Webber
Ellen Gesmer, Justices.

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City Club of New York, Inc., et al.,
Petitioners-Appellants,

M-3261

-against-

Index No. 101068/15

Hudson River Park Trust and Pier55,
Inc.,
Respondents-Respondents.

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An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about April 7, 2016,

And an order of this Court having been entered on June 30, 2016 (M-2468), granting petitioners a preliminary appellate injunction enjoining certain construction on subject project on condition petitioners perfect their appeal for the September 2016 Term,

And respondents having moved to modify the order of this Court entered on June 30, 2016 (M-2468), and to expedite the appeal and to set it for argument on a certain date in the September 2016 Term,

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 to modify is granted and this Court's order entered June 30, 2016 (M-2468) is modified solely to the extent of permitting respondents to drive the first 9 piles to support the platform for the "balcony" part of the project which extends over the river, and otherwise denied. That portion of the motion seeking a calendar preference is also granted and the appeal is to be heard on September 6, 2016.

ENTER:


CLERK