

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 August 9, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Rosalyn H. Richter  
Barbara R. Kapnick  
Jeffrey K. Oing  
Anil C. Singh, Justices.

-----X  
Kenneth Thomas,  
Plaintiff-Respondent,

-against-

M-3431  
Index No. 25415/15E

Sere Housing Development Fund  
Corporation, Sandra Erickson Real  
Estate, Inc. and 1770 TPT, LLC,  
Defendants-Appellants.

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An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about August 31, 2018, and said appeal having been perfected,

And defendants-appellants having moved, pursuant to CPLR 5519(c) to stay and enjoin the trial of the aforesaid action pending the determination of the 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 granted.

ENTERED:

  
CLERK

PRESENT: Hon. David Friedman,  
Judith J. Gische  
Peter Tom  
Troy K. Webber  
Ellen Gesmer,

Justice Presiding,  
  
Justices.

-----X  
Juan Gil and Jennifer Bonesteel,  
Petitioners,

-against-

M-3593  
Index No. 100419/18

New York City Department of  
Housing Preservation and  
Development and Manhattan Plaza, L.P.,  
Respondents.

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An Article 78 proceeding to review a determination of respondent New York City Department of Housing Preservation and Development having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about August 17, 2018, and the proceeding having been perfected for the September 2019 Term of this Court,

And an order of the Supreme Court, New York County, having been entered on or about September 15, 2018, granting leave to amend the petition to add the landlord, Manhattan Plaza, L.P., as a respondent, and staying the holdover proceeding Manhattan Plaza commenced against petitioners in the Civil Court, Housing Part, New York County (Index # 56847/18), pending the hearing and determination of the Article 78 proceeding,

And respondent Manhattan Plaza having moved to vacate the aforementioned stay, or in the alternative, to require petitioner to make past due and ongoing payments for use and occupancy of the subject premises, as a condition of the stay,

And respondent New York City Department of Housing Preservation having filed a respondent's brief on August 7, 2019,

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 granted to the extent that respondent Manhattan Plaza may serve and file a respondent's brief in this transferred Article 78 proceeding on or before August 21, 2019. The time for petitioner to file a reply brief, if any, is extended to August 28, 2019. All of the remaining issues raised by this motion are referred for determination to the panel hearing all of the issues pertinent to the underlying transferred Article 78 proceeding. The Clerk is directed to maintain the proceeding on the Calendar for the September 2019 Term of this Court.

ENTERED: August 9, 2019

  
CLERK