

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 March 13, 2020.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Judith J. Gische  
Angela M. Mazzarelli  
Troy K. Webber  
Anil C. Singh, Justices.

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188-90 Housing Development Fund  
Corporation,  
Plaintiff-Appellant,

-against-

M-189  
Index No. 651313/14

Joseph Viola, Executor of the Estate  
of Alice Viola,  
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 December 4, 2019,

And plaintiff-appellant having moved, pursuant to CPLR 5519(c), for an order staying the time by which plaintiff-appellant must approve a sale of the subject premises by defendant, 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

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 March 13, 2020.

Present - Hon. David Friedman, Justice Presiding,  
Sallie Manzanet-Daniels  
Ellen Gesmer  
Lizbeth González, Justices.

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Christopher Brummer,  
Plaintiff,

-against-

Benjamin Wey and NYG Capital LLC, M-698  
doing business as New York Global M-892  
Group, M-969  
Defendants-Respondents, Index No. 153583/15

FNL Media LLC,  
Defendant.

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Financial Industry Regulatory  
Authority, Inc.,  
Non-Party Appellant.

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An appeal (Case No. 2020-00882) having been taken to this Court from the order of the Supreme Court, New York County, entered on or about January 28, 2020, and said appeal having been perfected,

And non-party appellant Financial Industry Regulatory Authority, Inc. (FINRA) having moved (M-698) to stay enforcement of the portion of the aforesaid order which directed FINRA to produce or log certain additional documents on or before February 18, 2020, pending hearing and determination of the appeal,

And an order of a Justice of this Court, dated February 4, 2020, having been made, which, inter alia, stayed all proceedings pending hearing and determination of FINRA's motion (M-698),

And defendants-respondents Benjamin Wey and NYG Capital LLC, doing business as New York Global Group, having cross-moved (M-892) for an order denying FINRA's motion (M-698) in its entirety and vacating the aforementioned interim stay issued by a Justice of this Court on February 4, 2020, or, in the alternative, staying all proceedings in Supreme Court pending hearing and determination of the appeal,

And plaintiff Christopher Brummer having cross-moved (M-969) to modify the aforesaid interim stay issued by a Justice of this Court on February 4, 2020, to limit its application to the enforcement of the January 28, 2020 order on appeal,

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

It is ordered that the motion and cross motions are granted to the extent of staying the enforcement of the order entered on January 28, 2020, and any deadlines for the filing of summary judgment motion(s) and trial, pending hearing and determination of the appeal. The motion and cross motions are otherwise denied and the interim order of a Justice of this Court, dated February 4, 2020, insofar as it stayed all proceedings in Supreme Court, is vacated.

ENTERED:

  
CLERK