

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

M244783  
E/rr

REINALDO E. RIVERA, J.P.  
ROBERT J. MILLER  
VALERIE BRATHWAITE NELSON  
ANGELA G. IANNACCI, JJ.

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2017-13245

DECISION & ORDER ON MOTION

Century 21 Fulton, LLC, appellant,  
v Albee Development, LLC, et al., respondents.

(Index No. 515722/17)

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Motion by Century 21 Fulton, LLC, for leave to appeal to this Court from an order of the Supreme Court, Kings County, dated November 30, 2017, and, in effect, to stay enforcement of the order pending hearing and determination of the appeal.

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

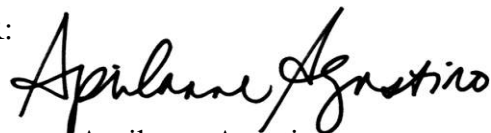
ORDERED that the branch of the motion which is for leave to appeal is denied as unnecessary as the order is appealable as of right (*see* CPLR 5701); and it is further,

ORDERED that the branch of the motion which is, in effect, to stay enforcement of the order is granted, and enforcement of the order is stayed pending hearing and determination of the appeal on condition that the appeal is perfected on or before February 20, 2018, and on condition that the undertaking posted pursuant to the order to show cause of this Court dated December 18, 2017, is continued; and it is further,

ORDERED that in the event that the appellant does not comply with the foregoing provisions, the Court, on its own motion, may vacate the stay, without further notice, or the respondents may move to vacate the stay, on three days notice.

RIVERA, J.P., MILLER, BRATHWAITE NELSON and IANNACCI, JJ., concur.

ENTER:

  
Aprilanne Agostino  
Clerk of the Court

January 18, 2018

CENTURY 21 FULTON, LLC v ALBEE DEVELOPMENT, LLC