

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

M245437
E/rr

WILLIAM F. MASTRO, J.P.
RUTH C. BALKIN
JEFFREY A. COHEN
COLLEEN D. DUFFY, JJ.

2018-00205

DECISION & ORDER ON MOTION

LBUBS 2007-C7 Shore Road, LLC, appellant,
v General Nutrition Corporation, defendant,
Huajie Nutrition, Inc., respondent.

(Index No. 612520/17)

Motion by the appellant on an appeal from an order to show cause of the Supreme Court, Nassau County, dated November 21, 2017, to fix an undertaking in the sum of \$3,292,560 as a condition of continuing a certain temporary restraining order contained in the order to show cause.

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

ORDERED that on the Court's own motion, the appeal is dismissed, without costs or disbursements, on the ground that no appeal lies as of right from an order that is not the result of a motion made on notice (*see* CPLR 5701), and leave to appeal has not been granted; and it is further,

ORDERED that the motion is denied as academic.

MASTRO, J.P., BALKIN, COHEN and DUFFY, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

January 31, 2018

LBUBS 2007-C7 SHORE ROAD, LLC v GENERAL NUTRITION CORPORATION