

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

M246404  
E/afa

REINALDO E. RIVERA, J.P.  
CHERYL E. CHAMBERS  
SHERI S. ROMAN  
ANGELA G. IANNACCI, JJ.

---

2018-01172

DECISION & ORDER ON MOTION

Karen Montanaro, et al., appellants,  
v Mykola Rudchyk, respondent.

(Index No. 152343/17)

---

Motion by the appellants to enjoin the respondent from trespassing on or altering in any manner the area of land in dispute, pending hearing and determination of an appeal from an order of the Supreme Court, Richmond County, dated January 18, 2018.

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

ORDERED that the motion is granted and the respondents are enjoined from trespassing on or altering in any manner the area of land in dispute, pending hearing and determination of the appeal on condition that the appellants perfect the appeal on or before April 4, 2018, and post an undertaking with corporate surety in the office of the Clerk of the Supreme Court, Richmond County, in a sum to be fixed by the Supreme Court, Richmond County, in terms that if the order appealed from, or any part of it, is affirmed, the surety will indemnify the respondent if it is ultimately determined that the respondent sustained a loss due to the injunction; and it is further,

ORDERED that the matter is remitted to the Supreme Court, Richmond County, to fix the amount of the undertaking in accordance herewith; the appellant shall file the undertaking within 15 days after service upon it of a copy of the order of the Supreme Court, Richmond County, fixing the amount thereof; and it is further,

ORDERED that in the event the appeal is not perfected on or before April 4, 2018, or the undertaking is not posted in accordance with this decision and order on motion, the Court, on

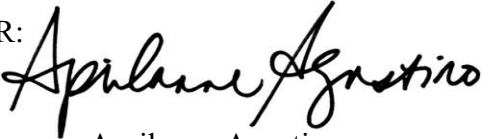
March 5, 2018

MONTANARO v RUDCHYK

Page 1.

its own motion, may vacate the injunction, without further notice, or the respondent may move to vacate the injunction, on three days notice.

RIVERA, J.P., CHAMBERS, ROMAN and IANNACCI, JJ., concur.

ENTER:   
Aprilanne Agostino  
Clerk of the Court