

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

M246816  
E/rr

ALAN D. SCHEINKMAN, P.J.  
JEFFREY A. COHEN  
COLLEEN D. DUFFY  
ANGELA G. IANNACCI, JJ.

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2017-08280

DECISION & ORDER ON MOTION

Horio Realty Corp., et al., plaintiffs-respondents,  
v Hunts Point Flower Market, Inc., et al.,  
defendants-respondents, Elton Heri, appellant,  
TJ & P, nonparty-respondent.

(Index No. 1466/15)

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2018-01605

Horio Realty Corp., et al., respondents,  
v Hunts Point Flower Market, Inc., et al.,  
defendants, Elton Heri, appellant.

(Index No. 1466/15)

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2018-02418

Horio Realty Corp., et al., plaintiffs,  
v Hunts Point Flower Market, Inc., et al.,  
defendants.

(Index No. 1466/15)

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Motion by Elton Heri, inter alia, for leave to appeal to this Court from an order of the Supreme Court, Kings County, dated December 8, 2017, to stay Horio Realty Corp. and Thomas Tzintzelis from selling, transferring, leasing, mortgaging, or otherwise encumbering the subject premises, and to stay enforcement of an order of the same court dated December 21, 2017, pending hearing and determination of appeals from those orders and an order of the same court dated June 9, 2017.

March 5, 2018

Page 1.

HORIO REALTY CORP. v HUNTS POINT FLOWER MARKET, INC.

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 to this Court from the order dated December 8, 2017, is denied without prejudice to filing a timely notice of appeal (*see* CPLR 5513, 5514); and it is further,

ORDERED that the branch of the motion which is to stay Horio Realty Corp. and Thomas Tzintzelis from selling, transferring, leasing, mortgaging, or otherwise encumbering the subject premises, and to stay enforcement of the order dated December 21, 2017, is granted, and Horio Realty Corp. and Thomas Tzintzelis are stayed from selling, transferring, leasing, mortgaging, or otherwise encumbering the subject premises, located at 8607 18<sup>th</sup> Avenue, Brooklyn, New York, and enforcement of the order dated December 21, 2017, is stayed, pending hearing and determination of the appeals from the orders dated June 9, 2017, and December 21, 2017, on condition that the appeals from the orders dated June 9, 2017, and December 21, 2017, are perfected on or before April 5, 2018; and it is further,

ORDERED that in the event the appeals from the orders dated June 9, 2017, and December 21, 2017, are not perfected on or before April 5, 2018, the Court, on its own motion, may vacate the stay, without further notice, or Horio Realty Corp. and Thomas Tzintzelis may move to vacate the stay, on three days notice; and it is further,

ORDERED that the motion is otherwise denied.

SCHEINKMAN, P.J., COHEN, DUFFY and IANNACCI, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court