

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

M247726
E/afa

WILLIAM F. MASTRO, J.P.
JEFFREY A. COHEN
FRANCESCA E. CONNOLLY
VALERIE BRATHWAITE NELSON, JJ.

2018-02212

DECISION & ORDER ON MOTION

In the Matter of Astoria Atlas Holdings, LLC,
et al., petitioners-respondents, v Acropolis
Gardens Realty Corp., appellant, Metropolitan
Pacific Properties, Inc., et al., respondents-
respondents.

(Index No. 708113/17)


Motion by the appellant, inter alia, to stay enforcement of certain subpoenas, pending hearing and determination of an appeal from an order of the Supreme Court, Queens County, dated February 15, 2018.

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., COHEN, CONNOLLY and BRATHWAITE NELSON, JJ., concur.

ENTER: 
Aprilanne Agostino
Clerk of the Court

March 20, 2018

MATTER OF ASTORIA ATLAS HOLDINGS, LLC v ACROPOLIS GARDENS
REALTY CORP.