

Matter of Schwaber & Kafer P.C. v Henry Alpizar

Motion No: 2021-00795

Slip Opinion No: 2021 NYSlipOp 64365(U)

Decided on April 08, 2021

Appellate Division, First Department, Motion Decision

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Judiciary Law § 431.

This motion is uncorrected and is not subject to publication in the
Official Reports.

Supreme Court of the State of New York
Appellate Division, First Judicial Department

Present – Hon. Barbara R. Kapnick,
Cynthia S. Kern
Jeffrey K. Oing
Saliann Scarpulla
Martin Shulman,

Justice Presiding,

Justices.

In the Matter of the Application of

Schwaber & Kafer P.C.,
Petitioner-Appellant,

-against-

Motion No. 2021-00795
Index No. 157599/2020
Case No. 2021-00698
2021-00703

Henry Alpizar, et al.,
Respondents-Respondents.

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 05, 2021,

And petitioner-appellant having moved to stay of enforcement of the aforesaid order and for an appellate injunction restraining respondents from closing on title for the sale of its interest in the subject real property, pending hearing and determination of the appeal or until otherwise directed by this Court, or, in the alternative, restraining respondents from removing respondent's portion of the proceeds of the sale of the subject real property from New York and directing that respondents share be deposited into court or held in a trust account by an attorney duly admitted to practice in New York, pending hearing and determination of the appeal or until otherwise directed by this Court,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent that respondents-respondents are directed to place \$542,908 of the proceeds from the sale of the subject real property in an escrow account in New York, pending the hearing and determination of the appeal, on condition that petitioner-appellant perfects the appeal for the September 2021 Term.

ENTERED: April 08, 2021

A handwritten signature in black ink, appearing to read "Susanna Molina Rojas". The signature is written in a cursive, flowing style.

Susanna Molina Rojas
Clerk of the Court