

**Tutor Perini Corp. v Ery Tenant LLC**

Motion No: 2022-00735

Slip Opinion No: 2022 NYSlipOp 64040(U)

Decided on April 05, 2022

Appellate Division, First Department, Motion Decision

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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. Troy K. Webber,  
          Cynthia S. Kern  
          David Friedman  
          Tanya R. Kennedy  
          Bahaati E. Pitt,

Justice Presiding,

Justices.

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Tutor Perini Corporation,  
Plaintiff-Respondent,

Motion No. 2022-00735

Index No. 657351/19

Case No. 2022-00622

-against-

Ery Tenant LLC,  
Defendant,

-and-

Long Island Rail Road Company,  
Non-Party-Appellant.

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An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about January 20, 2022,

And plaintiff-respondent having moved for an order (i) pursuant to CPLR 5519 (a)(1) vacating the automatic stay of the order imposed by CPLR 5519(a)(1), of the aforesaid January 20, 2022 order, and (ii) vacating that portion of an amended order, same court, entered on or about February 15, 2022, that confirms said automatic stay,

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 denied .

ENTERED: April 05, 2022



Susanna Molina Rojas  
Clerk of the Court