

**Brian Strout v CF E 88 LLC & SM E 88 LLC**

Motion No: 2022-02905

Slip Opinion No: 2022 NYSlipOp 71187(U)

Decided on September 06, 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. Anil C. Singh,  
Tanya R. Kennedy  
Saliann Scarpulla  
Martin Shulman  
Julio Rodriguez III,

Justice Presiding,  
  
Justices.

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Brian Strout,  
Plaintiff-Respondent,  
  
-against-

Motion No. **2022-02905**  
Index No. 161439/19  
Case No. 2022-03107

CF E 88 LLC and SM E 88 LLC,  
Defendants-Appellants.

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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 June 15, 2022, insofar as it directed defendants to produce certain documents in response to plaintiff's discovery requests and allowed plaintiff to designate the corporate witness to be deposed,

And defendants-appellants having moved, pursuant to CPLR 5518 and/or CPLR 5519(c), for a preliminary injunction staying enforcement of the aforesaid discovery order pending hearing and determination of the appeal taken therefrom,

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 on the condition the appeal is perfected for the January 2023 Term of this Court.

ENTERED: September 6, 2022



Susanna Molina Rojas  
Clerk of the Court