

Fuks v Rakia Assoc.

Motion No: 2023-01066

Slip Opinion No: 2023 NY Slip Op 64817(U)

Decided on April 11, 2023

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. Cynthia S. Kern,
 Ellen Gesmer
 Troy K. Webber
 Saliann Scarpulla
 Julio Rodriguez III,

Justice Presiding,

Justices.

Mali Fuks etc.,	Motion No.	2023-01066
Plaintiff-Respondent,	Index Nos.	122768/96
		102882/02
-against-	Case Nos.	2021-03205
		2021-03206
Rakia Associates, et al.,		2022-01282
Defendants-Appellants,		2022-01271
 Lancaster Studio Associates et al., Defendants. -----		
Ruth Shomron etc., Plaintiff-Appellant,		
 -against-		
 Darya Fuks etc., et al., Defendants-Respondents.		

Defendants-appellants/Plaintiff-appellant having moved, upon the decision and order of this Court entered on December 08, 2022 (Appeal Nos. 16859, 16860, 16861 & 16862), for an order (1) canceling and discharging the record of the undertaking that appellants filed in the office of the Clerk of the County of New York on April 4, 2022, pursuant to CPLR § 5591(a) (the Appeal Bond); (2) for an order releasing and discharging the surety, US Special Insurance Company, from any and all liability on the Appeal Bond; and (3) authorizing the Surety to release to Appellant Ruth Shomron the collateral said appellant posted as security for the Appeal Bond,

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

Case Nos. 2021-03205
2021-03206
2022-01282
2022-01271

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Motion No. 2023-01066

It is ordered that the motion is granted to the extent that the Appeal Bond (Bond No. 1001160273) filed by Defendants-appellants/Plaintiff-appellant is fully and unconditionally released, that US Special Insurance Company is released and discharged from any liability arising under the bond, and directing that the collateral posted as security by defendant-appellant/Plaintiff-appellant Ruth Shomron shall be released back to her.

ENTERED: April 11, 2023

A handwritten signature in black ink, appearing to read "Susanna M. Rojas". The signature is fluid and cursive, with a large initial "S" and "M".

Susanna Molina Rojas
Clerk of the Court