

35 W. Realty Co., LLC v Booston LLC & Friedphil Realty Corp.

Motion No: 2024-02464

Slip Opinion No: 2024 NY Slip Op 70750(U)

Decided on July 11, 2024

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. Peter H. Moulton,
David Friedman
Barbara R. Kapnick
Lizbeth González
Manuel J. Mendez,

Justice Presiding,

Justices.

35 West Realty Co., LLC,
Plaintiff,

Motion No. 2024-02464
Index No. 653674/15
Case No. 2024-03250

-against-

Booston LLC and Friedphil Realty Corp.,
Defendants.

Plaintiff having moved, pursuant to CPLR 5704(a), for certain relief denied by a Justice of the Supreme Court, New York County, on or about May 15, 2024,

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 of making the underlying order to show cause returnable in the Supreme Court, New York County, at a date and time convenient to said Court, for determination on the merits and,

It is further ordered that, pending the hearing and determination of said motion by Supreme Court, defendant Booston LLC is directed to pay use and occupancy pendente lite in the amount of \$49,515.39 per month, commencing May 01, 2024, and the motion is otherwise denied.

Plaintiff shall serve a copy of this order on the Ex Parte Office of the Supreme Court, New York County, within 10 days of the date hereof.

ENTERED: July 11, 2024



Susanna Molina Rojas
Clerk of the Court