

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 15, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Eugene Nardelli
James M. McGuire
Karla Moskowitz, Justices.

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In the Matter of the Application of

Mercedes Casado, et al.,
Petitioners-Respondents,

M-1072

M-1619

-against-

Index No. 402267/08

Marvin Markus, as Chair of the
New York City Rent Guidelines Board,
Respondent-Appellant.

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An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about February 2, 2010,

And petitioners-respondents having moved for an order vacating the automatic stay asserted by respondent-appellant pursuant to CPLR 5519(a)(1), or for alternative relief (M-1072),

And respondent-appellant having cross-moved for an order declaring that an automatic stay of the aforesaid judgment is in existence pursuant to CPLR 5519(a)(1), or for alternative relief (M-1619),

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

Ordered that petitioners-respondents' motion (M-1072) is granted to the extent of declaring that no stay of the judgment on appeal pursuant to CPLR 5519(a)(1) is in effect. Respondent-appellant's cross motion (M-1619) is denied.

ENTER:


Clerk.