

APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW YORK, FIRST DEPARTMENT

Chester v. Cleo Realty Assoc., L.P.

183 N.Y.S.3d 302 (N.Y. App. Div. 2023) · No. Index No. 151972/17; Appeal No. 17148; Case No. 2022-03541 · Decided March 2, 2023

SUMMARY

The New York Appellate Division, First Department, ordered that the appeal in Chester v. Cleo Realty Associates, L.P. be withdrawn pursuant to the parties' February 17, 2023 stipulation. The appeal arose from an order of the Supreme Court, New York County, entered on or about July 8, 2022.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, First Department
WRITING FOR THE COURT	Kern, J.P.; Oing, J.; Gesmer, J.; Scarpulla, J.; Rodriguez, J.
JURISDICTION	New York
DECIDED	March 2, 2023
DOCKET	Index No. 151972/17; Appeal No. 17148; Case No. 2022-03541
DISPOSITION	other
PROCEDURAL POSTURE	Defendant appealed from an order of Supreme Court, New York County, and the appeal was withdrawn pursuant to the parties' stipulation.
PRECEDENTIAL VALUE	Published opinion; no substantive legal rule or holding is stated.
PARTIES	Cleo Realty Associates, L.P. v. Aileen Chester et al.

TOPICS

- appellate procedure
- civil procedure

PRACTICE AREAS

- appellate procedure
- civil procedure

QUESTIONS PRESENTED

1. Whether the appeal should be withdrawn pursuant to the parties' stipulation.

KEY QUOTATIONS

“It is unanimously ordered that said appeal be and the same is hereby withdrawn in accordance with the terms of the aforesaid stipulation.” ([*1])

FACTUAL BACKGROUND

The opinion contains no substantive factual discussion. It identifies an appeal by Cleo Realty Associates, L.P. from an order entered by Supreme Court, New York County, and states that the parties stipulated to withdrawal of the appeal.

PROCEDURAL HISTORY

Cleo Realty Associates, L.P. appealed an order of Supreme Court, New York County, entered on or about July 8, 2022. After the appeal was argued, the parties entered into a stipulation dated February 17, 2023, and the Appellate Division unanimously ordered that the appeal be withdrawn in accordance with that stipulation.

DISPOSITION

other

OPINION

PER CURIAM.

Chester v Cleo Realty Assoc., L.P. (2023 NY Slip Op 01133)

Chester v Cleo Realty Assoc., L.P.
2023 NY Slip Op 01133
Decided on March 02, 2023
Appellate Division, First Department
Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431.
This opinion is uncorrected and subject to revision before publication in the Official Reports.

Decided and Entered: March 02, 2023
Before: Kern, J.P., Oing, Gesmer, Scarpulla, Rodriguez, JJ.
Index No. 151972/17 Appeal No. 17148 Case No. 2022-03541

[*1]Aileen Chester et al., Plaintiffs-Respondents,
v
Cleo Realty Associates, L.P., Defendant-Appellant.

An appeal having been taken to this Court by the above-named appellant from an order of the Supreme Court, New York County (Frank P. Nervo, J.), entered on or about July 08, 2022,
And said appeal having been argued by counsel for the respective parties; and due deliberation having been had thereon, and upon the stipulation of the parties hereto dated February 17, 2023,
It is unanimously ordered that said appeal be

and the same is hereby withdrawn in accordance with the terms of the aforesaid stipulation.</p>
<p>ENTERED: March 2, 2023</p>

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