

Appellate Division, First Judicial Department

Singh, J.P., Kapnick, Kennedy, Higgitt, Michael, JJ.

1563 SYLVAN HOSPITALITY GROUP, INC.,  
Plaintiff-Appellant,

Index No. 150582/22  
Case No. 2023-00653

-against-

ST. GILES HOTEL, LLC,  
Defendant-Respondent.

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Siegel & Siegel, P.C., New York (Michael D. Siegal of counsel), for appellant.

Lewis Brisbois Bisgaard & Smith LLP, New York (Peter T. Shapiro of counsel), for respondent.

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Order, Supreme Court, New York County (Verna L. Saunders, J), entered January 24, 2023, which to the extent appealed from as limited by the briefs, granted defendant’s motion to cancel plaintiff tenant’s notice of pendency pursuant to CPLR 6514(b), and to dismiss tenant’s cause of action to quiet title, unanimously affirmed, without costs.

In *PK Rest., LLC v Lifshutz* (138 AD3d 434 [1st Dept 2016]), this Court held that “a lease for years is deemed personalty” (*id.* at 439, quoting *Matter of Grumman Aircraft Eng’g Corp. v Board of Assessors of Town of Riverhead*, 2 NY2d 500, 507

[1957], *cert denied* 355 US 814 [1957]). Thus, a notice of pendency in connection with this lease dispute is unavailable to tenant (*id.*).

We have considered tenant's remaining arguments and find them unavailing.

THIS CONSTITUTES THE DECISION AND ORDER  
OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: January 30, 2024

A handwritten signature in black ink, appearing to read "Susanna Molina Rojas". The signature is fluid and cursive, with the first name "Susanna" being the most prominent part.

Susanna Molina Rojas  
Clerk of the Court