

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

M71252
E/sl

REINALDO E. RIVERA, J.P.
STEVEN W. FISHER
ROBERT A. LIFSON
MARK C. DILLON, JJ.

2008-04506

DECISION & ORDER ON MOTION

Stephen Clair, Jr., appellant,
v Jamie Fitzgerald, respondent.

(Index No. 38145-07)

Motion by the appellant for leave to appeal to this Court from so much of an order of the Supreme Court, Suffolk County, dated April 24, 2008, as sua sponte awarded child support to the respondent, directed the appellant to maintain medical insurance covering the respondent and the subject child, and provided that the appellant would pay 75% of unreimbursed medical expenses, and to stay enforcement of the above portions of the order pending hearing and determination of the appeal from the order.

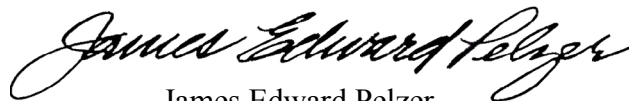
Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the branch of the motion which is for leave to appeal is granted; and it is further,

ORDERED that the branch of the motion which is for a stay is granted to the extent that enforcement of so much of the order as directed the appellant to pay support arrears is stayed pending hearing and determination of the appeal, and that branch of the motion is otherwise denied.

RIVERA, J.P., FISHER, LIFSON and DILLON, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

June 2, 2008

CLAIR v FITZGERALD