

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

M71356
E/sl

ROBERT A. SPOLZINO, J.P.
FRED T. SANTUCCI
RANDALL T. ENG
JOHN M. LEVENTHAL, JJ.

2008-04563

DECISION & ORDER ON MOTION

David Kenner, appellant,
v Mohammed Israr, et al., respondents.

(Index No. 9597/06)

Motion by the appellant to stay enforcement of an order of the Supreme Court, Kings County, dated March 19, 2008, pending hearing and determination of an appeal therefrom.

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

ORDERED that the motion is granted, and enforcement of the order is stayed pending hearing and determination of the appeal on condition that on or before June 18, 2008, the appellant withdraw the first cause of action of his verified complaint, with prejudice, and cancel the notices of pendency filed in connection with the above-entitled action pursuant to CPLR 6514(d)(2); and it is further,

ORDERED that in the event that the appellant does not comply with the foregoing conditions, the court, on its own motion, may vacate the stay, or the respondents may move to vacate the stay, on three days notice.

SPOLZINO, J.P., SANTUCCI, ENG and LEVENTHAL, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

June 4, 2008

KENNER v ISRAR