

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

M71374
E/sl

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

2008-02163, 2008-04733

DECISION & ORDER ON MOTION

Peter McCluskey, respondent-appellant,
v Gabor and Gabor, et al., appellants-respondents.
(Appeal No. 1)

Peter McCluskey, respondent,
v Gabor and Gabor, et al., appellants.
(Appeal No. 2)

(Index No. 2978/07)

Motion by Gabor and Gabor, David G. Gabor, and Hope Senzer Gabor to stay all discovery in the above-entitled action pending hearing and determination of an appeal and cross appeal from an order of the Supreme Court, Nassau County, entered January 31, 2008, and an appeal from an order of the same court dated May 7, 2008.


Upon the papers filed in support of the motion and no papers having been filed in opposition or in relation thereto, it is

ORDERED that the motion is granted, and all discovery in the above-entitled action is stayed pending hearing and determination of the appeals and cross appeal on condition that the appeals are perfected on or before July 21, 2008; and it is further,

ORDERED that in the event the appeals are not perfected on or before July 21, 2008, the court, on its own motion, may vacate the stay, or Peter McCluskey 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 5, 2008

McCLUSKEY v GABOR AND GABOR