

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

M71570
E/sl

REINALDO E. RIVERA, J.P.
ANITA R. FLORIO
THOMAS A. DICKERSON
ARIEL E. BELEN, JJ.

2008-04381

DECISION & ORDER ON MOTION

Roy Smith, plaintiff-respondent,
v West 125th Realty Corp., appellant,
Mobay Uptown Restaurant & Barbecue, Inc.,
defendant-respondent, et al., defendant.

(Index No. 2872/04)

Motion by the appellant to stay the trial on the issue of damages in the above-entitled action pending hearing and determination of an appeal from an order of the Supreme Court, Kings County, dated April 4, 2008.

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

ORDERED that the motion is denied.

RIVERA, J.P., FLORIO, DICKERSON and BELEN, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

June 9, 2008

SMITH v WEST 125TH REALTY CORP.