

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

M71912
E/sl

DAVID S. RITTER, J.P.
HOWARD MILLER
MARK C. DILLON
WILLIAM E. McCARTHY, JJ.

2007-07474, 2008-00990

DECISION & ORDER ON MOTION

John Vecchio, et al., plaintiffs,
v Miller Place Realty, LLC, et al., defendants-
respondents, Racanelli Construction Company,
defendant third-party plaintiff-respondent;
Dame Construction, Inc., third-party
defendant-appellant.
(Appeal No. 1)

John Vecchio, et al., plaintiffs,
v Miller Place Realty, LLC, et al., defendants-
respondents, Racanelli Construction Company,
defendant third-party plaintiff-appellant;
Dame Construction, Inc., third-party
defendant-appellant-respondent.
(Appeal No. 2)

(Index No. 11078-05)

Motion by Miller Place Realty, LLC, and NB Realty, LLC, inter alia, to hold in abeyance an appeal from an order of the Supreme Court, Suffolk County, dated May 30, 2007 (Appellate Division Docket No. 2007-7474), pending perfection of an appeal from an order of the same court dated December 3, 2007 (Appellate Division Docket No. 2008-00990).

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

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ORDERED that the branch of the motion which is to hold in abeyance the appeal from the order dated May 30, 2007, is granted to the extent that the appeals will be calendared together and will be argued or submitted on the same day; and it is further,

ORDERED that the motion is otherwise denied; and it is further,

ORDERED that the time of Miller Place Realty, LLC, and NB Realty, LLC, to serve and file a brief on the appeal from the order dated May 30, 2007, is enlarged until July 17, 2008, and the brief must be served and filed on or before that date.

RITTER, J.P., MILLER, DILLON and McCARTHY, JJ., concur.

ENTER:

A handwritten signature in cursive script that reads "James Edward Pelzer".

James Edward Pelzer
Clerk of the Court