

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

M72031
E/sl

A. GAIL PRUDENTI, P.J.
DAVID S. RITTER
ANITA R. FLORIO
WILLIAM E. McCARTHY, JJ.

2008-05143

DECISION & ORDER ON MOTION

In the Matter of Rime Zaher, respondent,
v Zuhair Zaher, appellant.

(Docket No. V-7737/08)

Motion by the appellant, inter alia, for leave to appeal to this court from an order of the Family Court, Kings County, dated May 13, 2008, to stay enforcement of the order pending hearing and determination of the appeal, and for leave to prosecute the appeal as a poor person.

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 denied as unnecessary as the order is appealable as of right (*see* Family Ct Act § 1112); and it is further,

ORDERED that on the court's own motion, the motion papers are deemed to be a timely notice of appeal (*see* CPLR 5520[b]); and it is further,

ORDERED that the branch of the motion which is to stay enforcement of the order is granted, and enforcement of the order is stayed pending hearing and determination of the appeal; and it is further,

ORDERED that the branch of the motion which is for leave to prosecute the appeal as a poor person is denied, with leave to renew upon proper papers, including the appellant's affidavit setting forth the appellant's full financial situation including all assets, both real and personal, as well as any and all sources of income and expenses; and it is further,

June 19, 2008


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ORDERED that the motion is otherwise denied.

PRUDENTI, P.J., RITTER, FLORIO and McCARTHY, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court