

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

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E/cb

DAVID S. RITTER, J.P.
DANIEL D. ANGIOLILLO
JOHN M. LEVENTHAL
ARIEL E. BELEN, JJ.

2008-05673, 2008-06110

DECISION & ORDER ON MOTION

Cutter Bayview Cleaners, Inc., respondent
v Spotless Shirts, Inc., appellant.

(Index No. 4398/08)

Motion by the appellant to stay enforcement of an order of the Supreme Court, Queens County, entered June 4, 2008, and a judgment of the same court entered June 13, 2008, pending hearing and determination of the appeals.

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

ORDERED that on the court's own motion, the notice of appeal from the order is deemed also to be a notice of appeal from the judgment (*see* CPLR 5501[c]); and it is further,

ORDERED that the motion is granted, and enforcement of the order and the judgment is stayed pending hearing and determination of the appeals on condition that the appeals are perfected on or before August 2, 2008; and it is further,

ORDERED that in the event the appeals are not perfected on or before August 2, 2008, the court, on its own motion, may vacate the stay, or the respondent may move to vacate the stay, on three days notice.

RITTER, J.P., ANGIOLILLO, LEVENTHAL and BELEN, JJ., concur.

ENTER:


James Edward Peizer
Clerk of the Court

July 3, 2008

CUTTER BAYVIEW CLEANERS, INC. v SPOTLESS SHIRTS, INC.