

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

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E/sl

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

2008-05414

DECISION & ORDER ON MOTION

In the Matter of Salvatore Mammana,
a/k/a Sal Mammana, deceased.
Vito Mammana, appellant; Lorraine
Mammana, et al., respondents.

(File No. 4931/04)

Motion by the respondents Lorraine Mammana, Jennifer Mammana, and Salvatore Michael Mammana on an appeal from an order of the Surrogate's Court, Kings County, dated May 15, 2008, inter alia, for a declaration that no automatic stay pursuant to CPLR 5519(a)(5) is in effect pending hearing and determination of the appeal.

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

ORDERED that the branch of the motion which is for a declaration is granted and it is declared that no automatic stay is in effect pursuant to CPLR 5519(a)(5); and it is further,

ORDERED that the motion is otherwise denied.

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

ENTER:


James Edward Pelzer
Clerk of the Court

July 2, 2008

MATTER OF MAMMANA, DECEASED