

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

M72692
E/sl

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

2008-04114

DECISION & ORDER ON MOTION

In the Matter of Sim Moy, et al., respondents,
v Board of Town Trustees of Town of Southold,
appellant.

(Index No. 34292-06)

Motion by respondents to vacate an automatic stay which is in effect pursuant to CPLR 5519(a)(1) pending hearing and determination of an appeal from a judgment of the Supreme Court, Suffolk County, dated March 26, 2008, or for a preference in the calendaring of the appeal.


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 to vacate the automatic stay is denied; and it is further,

ORDERED that the branch of the motion which is for a preference in the calendaring of the appeal is granted and the appellant is directed to perfect the appeal on or before September 8, 2008.

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

ENTER:


James Edward Pelzer
Clerk of the Court

July 2, 2008

MATTER OF MOY v BOARD OF TOWN TRUSTEES OF TOWN OF SOUTHOLD