

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

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

2008-05584

DECISION & ORDER ON MOTION

Juan Gonzalez, plaintiff-respondent,
v Southbay Commons, Inc., et al., defendants;
Minchew, Santner & Brenner, LLP, nonparty-
appellant; Kenneth Wilhelm, et al., nonparty-
respondents.

(Index No. 12023/02)

Motion by the nonparty-appellant, inter alia, to stay enforcement of an order of the Supreme Court, Richmond County, dated June 4, 2008, pending hearing and determination of an appeal therefrom.

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

ORDERED that the motion is granted to the extent that enforcement of so much of the order dated June 4, 2008, as directed the nonparty-appellant to release the plaintiff-respondent's case file is stayed pending hearing and determination of the appeal on condition that the appeal is perfected on or before August 4, 2008, and the motion is otherwise denied; and it is further,

ORDERED that in the event the appeal is not perfected on or before August 4, 2008, the court, on its own motion, may vacate the stay, or the plaintiff-respondent and nonparty-respondents may move to vacate the stay, on three days notice.

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

ENTER:



James Edward Pelzer
Clerk of the Court

July 3, 2008

GONZALEZ v SOUTHBAY COMMONS, INC.