

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

M76815  
E/sl

STEVEN W. FISHER, J.P.  
JOSEPH COVELLO  
WILLIAM E. McCARTHY  
JOHN M. LEVENTHAL, JJ.

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2008-07433

DECISION & ORDER ON MOTION

Toni Scarito, etc., et al., respondents,  
v St. Joseph Hill Academy, et al., appellants.

(Index No. 102802/06)

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Motion by the appellants to stay the trial in the above-entitled action pending hearing and determination of an appeal from an order of the Supreme Court, Richmond County, dated July 16, 2008. Application by the respondents pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to serve and file a brief.


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

ORDERED that the motion is granted, and the trial in the above-entitled action is stayed pending hearing and determination of the appeal; and it is further,

ORDERED that the application is granted and the respondents' time to serve and file a brief is enlarged until November 20, 2008, and the respondents' brief must be served and filed on or before that date.

FISHER, J.P., COVELLO, McCARTHY and LEVENTHAL, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

October 6, 2008

SCARITO v ST. JOSEPH HILL ACADEMY