

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

M76824  
E/sl

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

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2008-08734

DECISION & ORDER ON MOTION

In the Matter of Leon S. (Anonymous),  
appellant; State of New York, respondent.

(Index No. 136/08)

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Motion by the appellant to stay enforcement of an order of the Supreme Court, Kings County, dated September 16, 2008, pending hearing and determination of an appeal therefrom, for a preference in the calendaring of the appeal, and for leave to proceed on the original papers. Cross motion by the respondent to hold the appeal in abeyance pending hearing and determination of an appeal entitled *Matter of Charles S.*, pending under Appellate Division Docket No. 2008-06419.

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

ORDERED that on the court's own motion the appellant's notice of appeal is treated as an application for leave to appeal to this court and leave to appeal is granted (*see* Mental Hygiene Law § 10.13; CPLR 5701[c]); and it is further,

ORDERED that the motion is granted and enforcement of the order dated September 16, 2008, is stayed pending hearing and determination of the appeal; and it is further,

ORDERED that the appeal will be heard on the original papers (including the transcript of the proceedings, if any) and on the briefs of the parties, who are directed to file nine copies of their respective briefs and to serve one copy on each other; and it is further,

ORDERED that the appeal will be calendared expeditiously if, and when, all briefs are filed; and it is further,

October 6, 2008

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ORDERED that the cross motion is granted and the appeal is held in abeyance pending hearing and determination of the appeal entitled *Matter of Charles S.*, pending under Appellate Division Docket No. 2008-06419.

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

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer  
Clerk of the Court