

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

M76825
E/sl

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

2008-07008

DECISION & ORDER ON MOTION

Starlet Pearson, etc., et al., respondents,
v Dix McBride, LLC, appellant, et al., defendants.

(Index No. 15734/05)

Motion by the appellant to stay all proceedings in the above-entitled action, including the trial, pending hearing and determination of an appeal from an order of the Supreme Court, Queens County, dated June 18, 2008.


Upon the papers filed in support of the motion and no papers having been filed in opposition or relation thereto, it is

ORDERED that the motion is granted to the extent that the trial in the above-entitled action is stayed pending hearing and determination of the appeal on condition that the appeal is perfected on or before November 5, 2008, and the motion is otherwise denied; and it is further,

ORDERED that in the event the appeal is not perfected on or before November 5, 2008, the court, on its own motion, may vacate the stay, or the respondents may move to vacate the stay, on three days notice.

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

ENTER:


James Edward Pelzer
Clerk of the Court

October 6, 2008

PEARSON v DIX McBRIDE, LLC