

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

M77033
E/sl

ROBERT A. SPOLZINO, J.P.
DAVID S. RITTER
FRED T. SANTUCCI
EDWARD D. CARNI, JJ.

2008-08726, 2008-08727

DECISION & ORDER ON MOTION

Marcy R. Baron, a/k/a Marcy R. Suissa, plaintiff,
v Ronald Suissa, defendant.

(Index No. 25926-08)

Motion by the defendant for leave to appeal to this court from two orders of the Supreme Court, Suffolk County, dated August 13, 2008, and September 15, 2008, respectively, and to stay enforcement of the orders, or, in the alternative, to direct the plaintiff to post an undertaking, pending hearing and determination 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 for leave to appeal is denied, without prejudice to making a motion to vacate the orders dated August 13, 2008, and September 15, 2008, in the Supreme Court, Suffolk County, and to take an appeal from the determination of the motion to vacate in the event that the motion is denied; and it is further,

ORDERED that the motion is otherwise denied as academic.

SPOLZINO, J.P., RITTER, SANTUCCI and CARNI, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

October 9, 2008

BARON, a/k/a SUISSA v SUISSA