

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

M77042
E/sl

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

2008-08301

DECISION & ORDER ON MOTION

Marcia Biondo, respondent, et al., plaintiff,
v Ossining Union Free School District, et al.,
appellants.

(Index No. 05-20408)

Motion by the appellants 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, Westchester County, entered August 20, 2008.

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

ORDERED that the motion is granted, and all proceedings in the above-entitled action, including the trial, are stayed pending hearing and determination of the appeal on condition that the appeal is perfected on or before November 10, 2008; and it is further,

ORDERED that in the event the appeal is not perfected on or before November 10, 2008, the court, on its own motion, may vacate the stay, or the respondent may move to vacate the stay, on three days notice.

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

ENTER:


James Edward Pelzer
Clerk of the Court

October 9, 2008

BIONDO v OSSINING UNION FREE SCHOOL DISTRICT