

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

M77133  
E/sl

ROBERT A. SPOLZINO, J.P.  
ROBERT A. LIFSON  
ANITA R. FLORIO  
THOMAS A. DICKERSON, JJ.

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2008-08653

DECISION & ORDER ON MOTION

Frank Cervera, plaintiff,  
v Rossanna Bressler, defendant.

(Index No. 97-08683)

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Motion by the plaintiff for leave to appeal to this court from an order of the Supreme Court, Westchester County, dated September 8, 2008, and, inter alia, to transfer custody of the subject child to him, pending hearing and determination of the appeal.

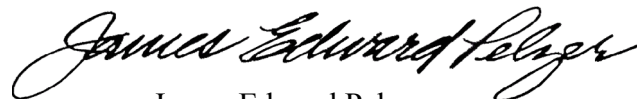
Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the branch of the motion which is for leave to appeal is denied; and it is further,

ORDERED that the motion is otherwise denied as academic.

SPOLZINO, J.P., LIFSON, FLORIO and DICKERSON, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

October 16, 2008

CERVERA v BRESSLER