

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

M77188
E/sl

REINALDO E. RIVERA, J.P.
ANITA R. FLORIO
DANIEL D. ANGIOLILLO
WILLIAM E. McCARTHY
CHERYL E. CHAMBERS, JJ.

2007-10624

DECISION & ORDER ON MOTION

Jude Prescott, respondent, v Alpha
Amadoujalloh, et al., defendants, Winston
Christopher Ward, appellant.

(Index No. 1399/06)


Motion by the appellant to stay the trial in the above-entitled action pending hearing and determination of an appeal from an order of the Supreme Court, Kings County, dated October 3, 2007.

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

ORDERED that the motion is denied as academic in light of our determination of the appeal (*see Prescott v Amadoujalloh*, ___ AD3d ___ [2d Dept, Oct. 7, 2008]).

RIVERA, J.P., FLORIO, ANGIOLILLO, McCARTHY and CHAMBERS, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

October 15, 2008

PRESCOTT v AMADOUJALLOH