

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

M77226
E/sl

PETER B. SKELOS, J.P.
DAVID S. RITTER
EDWARD D. CARNI
THOMAS A. DICKERSON, JJ.

2008-09042

DECISION & ORDER ON MOTION

Ruben Dario Caballero, plaintiff-respondent-appellant, v Benjamin Beechwood, LLC, et al., defendants-respondents-appellants, LCC Contracting Corp., et al., appellants-respondents.

(Index No. 4126/06)

Motion by LCC Contracting Corp. and Linden Construction Corp. to stay all proceedings in the above-entitled action, including the trial, pending hearing and determination of an appeal and cross appeals from an order of the Supreme Court, Queens County, entered September 16, 2008.

Upon the papers filed in support of the motion and no papers having been filed in opposition or in relation 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 and cross appeals; and it is further,

ORDERED that LCC Contracting Corp. and Linden Construction Corp. shall perfect the appeal by serving and filing the joint record or appendix on the appeal and their brief on or before January 12, 2009; and it is further,

ORDERED that Ruben Dario Caballero shall serve and file his answering brief, including his points of argument on the cross appeal, on or before February 11, 2009 (*see* 22 NYCRR 670.8[c][3]); and it is further,

November 12, 2008

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CABALLERO v BENJAMIN BEECHWOOD, LLC

ORDERED that Benjamin Beechwood, LLC, and Rockaway Beach Blvd. Construction Co., LLC, shall serve and file their answering brief, including their points of argument on the cross appeal, on or before March 13, 2009 (*see* 22 NYCRR 670.8[c][3]).

SKELOS, J.P., RITTER, CARNI and DICKERSON, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court