

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

M77256
E/sl

WILLIAM F. MASTRO, J.P.
ROBERT A. LIFSON
EDWARD D. CARNI
WILLIAM E. McCARTHY, JJ.

2008-06144

DECISION & ORDER ON MOTION

Donna Healy, respondent, v Carmel Bowl, Inc.,
respondent-appellant, Done-Right Bowling
Service Co., Inc., appellant-respondent.

(Index No. 1713/03)

Motion by the respondent to vacate so much of a decision and order on motion of this court dated August 22, 2008, as stayed a trial on the issue of damages in the above-entitled action pending hearing and determination of an appeal and cross appeal from a judgment of the Supreme Court, Putnam County, dated June 16, 2008. Separate motion by the appellant-respondent, in effect, to amend so much of the decision and order on motion dated August 22, 2008, as conditioned the stay of the trial on the issue of damages in the above-entitled action, upon the perfection of the appeal on or before September 22, 2008.

Upon the papers filed in support of the motions, the papers filed in opposition thereto, and the papers filed in relation to the appellant-respondent's motion, it is

ORDERED that the motion to vacate so much of the decision and order on motion of this court dated August 22, 2008, as granted the stay is denied; and it is further,

ORDERED that the motion, in effect, to amend so much of the decision and order on motion dated August 22, 2008, as conditioned the stay upon the perfection of the appeal on or before September 22, 2008, is granted; and it is further,

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ORDERED that the decision and order on motion dated August 22, 2008, is amended by deleting from the decretal paragraphs thereof the date "September 22, 2008," and substituting therefor the date "October 24, 2008".

MASTRO, J.P., LIFSON, CARNI and McCARTHY, 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