

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

M77303  
E/sl

PETER B. SKELOS, J.P.  
JOSEPH COVELLO  
RANDALL T. ENG  
CHERYL E. CHAMBERS, JJ.

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2006-03585, 2008-05342

DECISION & ORDER ON MOTION

Ada Lipschitz, as executrix of the estate of  
Menachem Lipschitz, et al., appellants,  
v Arnold J. Stein, etc., respondent.  
(Appeal No. 1)

Ada Lipschitz, as executrix of the estate of  
Menachem Lipschitz, et al., appellants-respondents,  
v Arnold J. Stein, etc., respondent-appellant.  
(Appeal No. 2)

(Index No. 47446/98)

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Motion by the appellants/appellants-respondents on an appeal from an order of the Supreme Court, Kings County, dated January 3, 2006, and an appeal and cross appeal from an order of the same court dated June 30, 2006, to stay a certain hearing pursuant to *Frye v United States* (293 F2d 1013) in the above-entitled action, pending hearing and determination of the appeals and cross appeal. Application by Arnold J. Stein pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to serve and file a brief.

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

ORDERED that the motion is denied; and it is further,

October 17, 2008

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ORDERED that the application is granted and Arnold J. Stein's time to serve and file a brief is enlarged until November 10, 2008, and Arnold J. Stein's brief must be served and filed on or before that date.

SKELOS, J.P., COVELLO, ENG and CHAMBERS, 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