

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

M77333  
E/sl

STEVEN W. FISHER, J.P.  
HOWARD MILLER  
MARK C. DILLON  
RANDALL T. ENG, JJ.

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2008-07000

DECISION & ORDER ON MOTION

Stephen Spainer, et al., respondents,  
v Matthew Zipper, et al., appellants.

(Index No. 17613/06)

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Motion by the appellants to stay all proceedings in the above-entitled action, including the trial, pending hearing and determination of an appeal from an order of the Supreme Court, Nassau County, entered June 25, 2008.

Upon the papers filed in support of the motion and no papers having been filed in opposition or relation thereto, it is

ORDERED that the motion is granted to the extent that the trial in the above-entitled action is stayed pending hearing and determination of the appeal, and the motion is otherwise denied.

FISHER, J.P., MILLER, DILLON and ENG, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

October 20, 2008

SPAINER v ZIPPER