

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

M77451  
E/sl

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

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2008-01664

DECISION & ORDER ON MOTION

Anthony Daria, appellant, v Larkin, Axelrod,  
Trachte & Tetenbaum, LLP, et al., respondents.

(Index No. 5435/03)

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Motion by Samuel & Ott, LLC, the attorneys for the appellant, for leave to withdraw as counsel on an appeal from an order of the Supreme Court, Dutchess County, dated February 5, 2008, and to stay all proceedings against the appellant for a period of 90 days.

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 branch of the motion which is for leave to withdraw as counsel is granted, and Samuel & Ott, LLC, is relieved from representing the appellant with respect to the instant appeal; and it is further,

ORDERED that on or before November 5, 2008, Samuel & Ott, LLC, is directed to serve its client by one of the methods specified in CPLR 2103(c), with a copy of this decision and order on motion and shall file proof of such service with the Clerk of this court; and it is further,

ORDERED that the branch of the motion which is to stay all proceedings against the appellant for a period of 90 days is granted to the extent that no further proceedings shall be taken against the appellant, without leave of the court, until the expiration of 30 days after service upon him of a copy of this decision and order on motion, and that branch of the motion is otherwise denied.

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

ENTER:

  
James Edward Pelzer  
Clerk of the Court

October 21, 2008

DARIA v LARKIN, AXELROD, TRACHTE & TETENBAUM, LLP