

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

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E/cb

WILLIAM F. MASTRO, J.P.
STEVEN W. FISHER
MARK C. DILLON
RUTH C. BALKIN, JJ.

2008-08545

DECISION & ORDER ON MOTION

John J. Roe III, etc., respondent,
v Board of Trustees of Village of Bellport,
et al., appellants.

(Index No. 27535/08)

Motion by the respondent to vacate any automatic stay which is in effect pursuant to CPLR 5519(a), pending hearing and determination of an appeal from an order of the Supreme Court, Suffolk County, dated August 18, 2008.

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

ORDERED that the motion is denied as unnecessary as no automatic stay exists (*see State v Town of Haverstraw*, 219 AD2d 64).

MASTRO, J.P., FISHER, DILLON and BALKIN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

October 27, 2008

ROE v BOARD OF TRUSTEES VILLAGE OF BELLPORT