

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

M77793
E/sl

REINALDO E. RIVERA, J.P.
ROBERT A. LIFSON
RANDALL T. ENG
CHERYL E. CHAMBERS, JJ.

2008-09265, 2008-09824

DECISION & ORDER ON MOTION

Linda Daniels-Carter, etc., et al., respondents,
v Alexander Alvarado, appellant.

(Index No. 26028/06)

Motion by Alexander Alvarado, inter alia, for leave to appeal to this court from a decision of the Supreme Court, Queens County, dated October 3, 2008, and an order of the same court dated October 8, 2008, and to stay an inquest on the issue of damages in the above-entitled action pending hearing and determination of the appeals.

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 appeal to this court from the order October 8, 2008, is granted; and it is further,

ORDERED that the branch of the motion which is to stay the inquest on the issue of damages is granted, and the inquest on the issue of damages in the above-entitled action is stayed pending hearing and determination of the appeal from the order October 8, 2008; and it is further,

ORDERED that the motion is otherwise denied.

RIVERA, J.P., LIFSON, ENG and CHAMBERS, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

October 29, 2008

DANIELS-CARTER v ALVARADO