

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

M77794
E/sl

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

2008-09037

DECISION & ORDER ON MOTION

Nicole M. Bernholc, respondent,
v Jay Bornstein, appellant

(Index No. 3489-07)

Motion by Jay Bornstein for leave to appeal to this court from an order of the Supreme Court, Suffolk County, dated September 9, 2008, and to stay enforcement of stated portions of the order pending hearing and determination of the appeal.

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


ORDERED that the branch of the motion which is for leave to appeal is denied; and it is further,

ORDERED that on the court's own motion, the appeal purportedly taken as of right is dismissed, without costs or disbursements; and it is further,

ORDERED that the branch of the motion which is to stay enforcement of the order is denied as academic.

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

ENTER:


James Edward Pelzer
Clerk of the Court

October 29, 2008

BERNHOLC v BORNSTEIN