

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

M77808
E/sl

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

2008-08376

DECISION & ORDER ON MOTION

In the Matter of G&P Investing Company,
respondent, v Brian X. Foley, etc., et al.,
appellants.

(Index No. 10699-08)

Motion by the respondent for an expedited briefing schedule and a preference in the calendaring of an appeal from a judgment of the Supreme Court, Suffolk County, dated June 10, 2008, or to vacate an automatic stay in effect pursuant to CPLR 5519(a).

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

ORDERED that the branches of the motion which are for an expedited briefing schedule and a preference in the calendaring of the appeal are granted; and it is further,

ORDERED that the record or appendix on the appeal and the appellants' brief must be served and filed on or before November 28, 2008; and it is further,

ORDERED that the respondent shall serve and file a brief, if any, on or before January 2, 2009; and it is further,

ORDERED that the appellants shall serve and file a reply brief, if any, on or before January 20, 2009; and it is further,

October 29, 2008

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ORDERED that the branch of the motion which is to vacate the automatic stay is denied on condition that the appeal is perfected on or before November 28, 2008; in the event that the appellants fail to perfect the appeal on or before that date, the respondent may renew the branch of the motion to vacate the automatic stay on three days notice.

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

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court