

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

M78070
E/sl

STEVEN W. FISHER, J.P.
RUTH C. BALKIN
WILLIAM E. McCARTHY
JOHN M. LEVENTHAL, JJ.

2008-09089

DECISION & ORDER ON MOTION

Andrew Arata, etc., et al., respondents,
v Parviz Farahzad, et al., appellants
(and a third-party action).

(Index No. 8448/06)

Motion by the appellants to stay the trial in the above-entitled action pending hearing and determination of an appeal from an order of the Supreme Court, Nassau County, dated July 17, 2008, and for a preference in the calendaring 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 to stay the trial is granted, and the trial in the above-entitled action is stayed pending hearing and determination of the appeal on condition that the appeal is perfected on or before December 3, 2008; and it is further,

ORDERED that in the event the appeal is not perfected on or before December 3, 2008, the court, on its own motion, may vacate the stay, or the respondent may move to vacate the stay, on three days notice; and it is further,

ORDERED that the branch of the motion which is for a preference in the calendaring of the appeal is denied.

FISHER, J.P., BALKIN, McCARTHY and LEVENTHAL, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

November 3, 2008

ARATA v FARAHZAD