

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

M78329  
E/sl

WILLIAM F. MASTRO, J.P.  
REINALDO E. RIVERA  
STEVEN W. FISHER  
RANDALL T. ENG, JJ.

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2008-08817

DECISION & ORDER ON MOTION

Harriet Zannikos, et al., plaintiffs-respondents,  
v City of New York, et al., defendants-  
respondents, Tri-Messine Construction  
Company, Inc., et al., respondents-appellants,  
Joseph L. Balkan, Inc., appellant-respondent.

(Index No. 23892/05)

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Motion by Deboe Construction Corp. to stay the trial in the above-entitled action pending hearing and determination of an appeal and cross appeal from an order of the Supreme Court, Queens County, entered August 15, 2008.

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

ORDERED that the motion is denied.

MASTRO, J.P., RIVERA, FISHER and ENG, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

November 10, 2008

ZANNIKOS v CITY OF NEW YORK