

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

M78496
E/sl

DAVID S. RITTER, J.P.
HOWARD MILLER
MARK C. DILLON
WILLIAM E. McCARTHY, JJ.

2007-05114

DECISION & ORDER ON MOTION

Yakubu E. Sulaiman, et al., respondents,
v Carson C. Thomas, appellant.

(Index No. 39009/06)

Motion by the appellant for leave to appeal to the Court of Appeals from a decision and order of this court dated September 9, 2008, which determined an appeal from an order of the Supreme Court, Kings County, dated May 4, 2007. Separate motion by the appellant to stay the trial in the above-entitled action pending hearing and determination of any appeal to the Court of Appeals.

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

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

ORDERED that the motion to stay the trial is denied as academic.

RITTER, J.P., MILLER, DILLON and McCARTHY, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

November 13, 2008

SULAIMAN v THOMAS