

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

M78613  
E/sl

PETER B. SKELOS, J.P.  
FRED T. SANTUCCI  
JOHN M. LEVENTHAL  
CHERYL E. CHAMBERS, JJ.

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2008-00767, 2008-09412

DECISION & ORDER ON MOTION

In the Matter of Brooke Russell Astor, deceased.  
Anthony D. Marshall, appellant; JP Morgan Chase  
Bank, N.A., et al., respondents.

(File No. 2127/07)

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Motion by the appellant on appeals from two orders of the Surrogate's Court, Westchester County, dated January 4, 2008, and September 5, 2008, respectively, to stay enforcement of stated portions of the order dated September 5, 2008, pending hearing and determination of the appeals, and for a preference in the calendaring of the appeals.

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 enforcement of stated portions of the order dated September 5, 2008, is denied; and it is further,

ORDERED that the branch of the motion which is for a preference in the calendaring of the appeals is granted, and the appeals will be calendared expeditiously after all the briefs have been filed.

SKELOS, J.P., SANTUCCI, LEVENTHAL and CHAMBERS, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

November 17, 2008

MATTER OF ASTOR, DECEASED