

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

M78817
E/sl

ROBERT A. SPOLZINO, J.P.
MARK C. DILLON
EDWARD D. CARNI
JOHN M. LEVENTHAL, JJ.

2008-09716

DECISION & ORDER ON MOTION

Barry E. Kucher, plaintiff,
v DaimlerChrysler Corp., et al., defendants.

(Index No. 105372/04)


Motion by Barry E. Kucher for leave to appeal to this court from stated portions of an order of the Appellate Term, Second and Eleventh Judicial Districts, dated July 2, 2008, which affirmed an order of the Civil Court of the City of New York, Queens County, entered May 16, 2006. Cross motion by Chrysler, LLC, f/k/a DaimlerChrysler Corp., for leave to appeal to this court from stated portions of the order dated July 2, 2008, and to stay all proceedings in the above-entitled action pending hearing and determination of its appeal.

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

ORDERED that the motion and cross motion are denied.

SPOLZINO, J.P., DILLON, CARNI and LEVENTHAL, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

November 20, 2008

KUCHER v DAIMLERCHRYSLER CORP.