

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

M78828  
E/sl

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

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2008-10066

DECISION & ORDER ON MOTION

In the Matter of Arianna M. (Anonymous).  
Administration for Children's Services of  
City of New York, appellant; Brenda C.  
(Anonymous), et al., respondents.

(Docket No. N-24972/08)

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Motion by the appellant to stay enforcement of so much of an order of the Family Court, Kings County, dated November 3, 2008, as remanded the subject child to the care and custody of Brenda C. and to remand the subject child to its care and custody pending hearing and determination of an appeal from the order, and, if necessary, for leave to appeal to this court from the order.

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

ORDERED that the branch of the motion which is to stay enforcement of so much of the order dated November 3, 2008, as remanded the subject child to the care and custody of Brenda C. and to remand the subject child to the appellant's care and custody is denied; and it is further,

ORDERED that the branch of the motion which is for leave to appeal to this court from the order is denied as unnecessary (*see* Family Ct Act § 1112).

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

ENTER:

  
James Edward Pelzer  
Clerk of the Court

November 20, 2008

MATTER OF M. (ANONYMOUS), ARIANNA