

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

M78929
E/sl

WILLIAM F. MASTRO, J.P.
HOWARD MILLER
RUTH C. BALKIN
WILLIAM E. McCARTHY, JJ.

2008-03313

DECISION & ORDER ON MOTION

Susan Perez, etc., respondent, v St. Vincents
Hospital and Medical Center of New York,
et al., appellants.

(Index No. 21968/01)

Motion by the appellants to stay enforcement of a judgment of the Supreme Court, Kings County, entered March 12, 2008, pending hearing and determination of an appeal therefrom, without the necessity of filing a bond or to direct the filing of a bond in a sum that is smaller than the principal sum awarded to the respondent in the judgment.

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

ORDERED that the motion is granted to the extent that enforcement of the judgment entered March 12, 2008, is stayed pending hearing and determination of the appeal on condition that on or before December 3, 2008, the appellants (1) post an undertaking with corporate surety in the office of the Clerk of the Supreme Court, Kings County, in the sum of \$1,000,000, in terms that if the judgment appealed from, or any part of it, is affirmed, or the appeal is dismissed, the appellants shall pay the amount directed to be paid by the judgment, or the part of it as to which the judgment is affirmed, (2) perfect the appeal, and the motion is otherwise denied; and it is further,

ORDERED that in the event that the appellants fail to post the undertaking or perfect the appeal on or before December 3, 2008, the court, on its own motion, may vacate the stay, or the respondent may move to vacate the stay, on three days notice.

MASTRO, J.P., MILLER, BALKIN and McCARTHY, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court