

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

M79042  
E/sl

REINALDO E. RIVERA, J.P.  
DANIEL D. ANGIOLILLO  
EDWARD D. CARNI  
RANDALL T. ENG, JJ.

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2008-09676, 2008-09677

DECISION & ORDER ON MOTION

John Lynch, plaintiff,  
v Winchester Homeowner's Association, Inc.,  
et al., defendants third-party plaintiffs-appellants,  
et al., defendants; Fred A. Cook, Jr., Inc.,  
third-party defendant-respondent.  
(Appeal No. 1)

John Lynch, respondent,  
v Winchester Homeowner's Association, Inc.,  
et al., appellants, et al., defendants  
(and a third-party action).  
(Appeal No. 2)

(Index No. 06-22643)

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Motion by Winchester Homeowner's Association, Inc., and Winchester Property Management Group, Inc., to stay the trial in the above-entitled action pending hearing and determination of appeals from two orders of the Supreme Court, Westchester County, entered August 27, 2008, and October 1, 2008, respectively.

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

ORDERED that the motion is denied.

RIVERA, J.P., ANGIOLILLO, CARNI and ENG, JJ., concur.

ENTER:

  
James Edward Pelzer

Clerk of the Court

November 26, 2008

LYNCH v WINCHESTER HOMEOWNER'S ASSOCIATION, INC.