

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

M79047  
E/sl

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

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2008-10286

DECISION & ORDER ON MOTION

Joginder Singh, respondent, v 244 W. 39<sup>th</sup> St.  
Realty, Inc., et al., appellants  
(and third-party actions).

(Index No. 474/04)

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Motion by the appellants to stay the trial in the above-entitled action pending hearing and determination of an appeal from an order of the Supreme Court, Kings County, dated November 7, 2008.

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

ORDERED that the motion is granted, and the trial in the above-entitled action is stayed pending hearing and determination of the appeal on condition that the appeal is perfected on or before December 29, 2008; and it is further,

ORDERED that in the event the appeal is not perfected on or before December 29, 2008, the court, on its own motion, may vacate the stay, or the respondent may move to vacate the stay, on three days notice.

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

ENTER:

  
James Edward Pelzer  
Clerk of the Court

November 28, 2008

SINGH v 244 W. 39<sup>TH</sup> ST. REALTY, INC.