

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

M79357
E/sl

PETER B. SKELOS, J.P.
FRED T. SANTUCCI
WILLIAM E. McCARTHY
THOMAS A. DICKERSON, JJ.

2008-09778, 2008-09780

DECISION & ORDER ON MOTION

Gennaro Sbarro, appellant,
v Debora Sbarro, respondent.

(Index No. 30676-08)


Motion by the appellant for leave to appeal from two orders of the Supreme Court, Suffolk County, dated September 23, 2008, and October 9, 2008, respectively, and to stay enforcement of certain provisions contained in the orders pending hearing and determination of the appeals therefrom.

Upon the papers filed in support of the motion and no papers having been filed in opposition or relation thereto, it is

ORDERED that the motion is granted, and enforcement of the provision contained in the order dated September 23, 2008, directing that neither party is to exercise visitation in the presence of an unrelated person of the opposite sex and the provision contained in the order dated October 9, 2008, directing that both parties submit to six months of drug testing is stayed pending hearing and determination of the appeals, or determination by the Supreme Court Suffolk County, of the underlying motions whichever occurs first.

SKELOS, J.P., SANTUCCI, McCARTHY and DICKERSON, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

December 5, 2008

SBARRO v SBARRO