

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

M79425  
E/sl

WILLIAM F. MASTRO, J.P.  
HOWARD MILLER  
EDWARD D. CARNI  
WILLIAM E. McCARTHY, JJ.

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2008-08988

DECISION & ORDER ON MOTION

In the Matter of Queen Esther's Temple, Inc.  
Brighton Way, LLC, respondent;  
Neal Wright, appellant.

(Index No. 13606/08)

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Motion by the appellant to stay enforcement of an order of the Supreme Court, Queens County, entered September 5, 2008, pending hearing and determination of an appeal therefrom.


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

ORDERED that on the court's own motion, the appeal is dismissed, without costs or disbursements, on the ground that no appeal lies as of right from an order which directs a hearing to aid in the disposition of a motion (*see Bagdy v Progresso Foods Corp.*, 86 AD2d 589), and we decline to grant leave to appeal; and it is further,

ORDERED that the motion is denied as academic.

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

ENTER:

  
James Edward Pelzer  
Clerk of the Court

December 4, 2008

MATTER OF QUEEN ESTHER'S TEMPLE, INC.