

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

M79430
E/sl

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

2008-03791, 2008-10862

DECISION & ORDER ON MOTION

Thelma Parker, respondent,
v Lawrence Ollivierre, appellant,
et al., defendant.

(Index No. 5898/07)

Motion by the appellant on appeals from an order of the Supreme Court, Kings County, dated April 18, 2008, and an interlocutory judgment of the same court dated October 14, 2008, in effect, to stay all proceedings in the above-entitled action, including the partition sale of the subject premises, pending hearing and determination .

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 notice of appeal from the order dated April 18, 2008, is deemed also to be a notice of appeal from the interlocutory judgment dated October 14, 2008 (*see* CPLR 5501[c]); and it is further,

ORDERED that on or before December 19, 2008, the appellant shall serve and file a supplemental record containing a copy of the interlocutory judgment dated October 14, 2008; and it is further,

ORDERED that the motion is granted, and all proceedings in the above-entitled action, including the partition sale of the subject premises, are stayed pending hearing and determination of the appeals.

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

ENTER:



James Edward Pelzer
Clerk of the Court

December 4, 2008

PARKER v OLLIVIERRE