

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

M79709
E/sl

REINALDO E. RIVERA, J.P.
DANIEL D. ANGIOLILLO
THOMAS A. DICKERSON
CHERYL E. CHAMBERS, JJ.

2008-07218

DECISION & ORDER ON MOTION

James A. Phillips Realty, Inc., respondent,
v Thaddeus Lukasiewicz, appellant.

(Index No. 28437/03)

Motion by the appellant to deem a notice of appeal from a decision of the Supreme Court, Queens County, dated May 19, 2008, to be a premature notice of appeal from a judgment of the same court entered August 6, 2008, and to stay enforcement of the judgment pending hearing and determination of the appeal.


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

ORDERED that the branch of the motion which is to deem the notice of appeal from the decision to be a premature notice of appeal from the judgment entered August 6, 2008, is granted (*see* CPLR 5520[c]); and it is further,

ORDERED that the branch of the motion which is to stay enforcement of the judgment is denied.

RIVERA, J.P., ANGIOLILLO, DICKERSON and CHAMBERS, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

December 10, 2008

JAMES A. PHILLIPS REALTY, INC. v LUKASIEWICZ