

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

M79719
E/sl

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

2008-08411

DECISION & ORDER ON MOTION

Daniel Perla Associates, L.P., respondent,
v 101 Kent Associates, Inc., appellant, et al.,
defendants.

(Index No. 26251/05)

Motion by the appellant, inter alia, to stay enforcement of a judgment of the Supreme Court, Kings County, dated October 14, 2008, as well as the sale of the subject real property, pending hearing and determination of an appeal from an order of the same court dated July 30, 2008.

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 July 30, 2008, is deemed to be a premature notice of appeal from the judgment dated October 14, 2008 (*see* CPLR 5520[c]); and it is further,

ORDERED that on or before December 31, 2008, the appellant shall serve and file a supplemental record containing the judgment dated October 14, 2008, as well as a supplemental brief, if it be so advised, containing any additional issues raised by the judgment; and it is further,

ORDERED that the respondent's time to serve and file a brief is enlarged until January 30, 2009, and the respondent's brief must be served and filed on or before that date; and it is further,

ORDERED that the motion is denied.

December 10, 2008

DANIEL PERLA ASSOCIATES, L.P. v 101 KENT ASSOCIATES, INC.

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

ENTER:

James Edward Pelzer
James Edward Pelzer
Clerk of the Court