

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

M79723  
E/sl

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

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2008-10630

DECISION & ORDER ON MOTION

Clyde Lewis, et al., respondents,  
v Edward Roberts, appellant.

(Index No. 14761/05)

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Motion by the appellant on an appeal from an order of the Supreme Court, Kings County, dated June 6, 2008, inter alia, to stay enforcement of a judgment of the same court dated April 30, 2007, pending hearing and determination of the appeal from the order dated June 6, 2008. Cross motion by the respondents to dismiss the appeal as untimely taken.

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

ORDERED that the cross motion is granted and the appeal is dismissed, without costs or disbursements (CPLR 5513[a]); and it is further,

ORDERED that the motion is denied as academic.

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

ENTER:

  
James Edward Pelzer  
Clerk of the Court

December 10, 2008

LEWIS v ROBERTS