

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

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E/cb

ROBERT A. SPOLZINO, J.P.
STEVEN W. FISHER
HOWARD MILLER
EDWARD D. CARNI, JJ.

2008-09995

DECISION & ORDER ON MOTION

Henriette Louzoun, etc., appellant, v
Joseph Montalto, respondent.

(Index No. 203149/05)

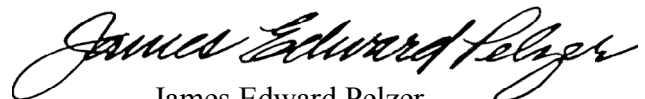
Motion by the appellant to stay enforcement of the visitation schedule contained in a judgment of the Supreme Court, Nassau County, entered September 11, 2008, pending hearing and determination of an appeal from the judgment. Cross motion by the respondent to dismiss the appeal on the ground that the appellant failed to timely perfect an appeal from a decision of the same court dated March 5, 2008.

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

ORDERED that the motion and cross motion are denied.

SPOLZINO, J.P., FISHER, MILLER and CARNI, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

December 12, 2008

LOUZOUN v MONTALTO