

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

M80031
T/sl

DANIEL D. ANGIOLILLO, J.P.
JOHN M. LEVENTHAL
ARIEL E. BELEN
CHERYL E. CHAMBERS, JJ.

2008-11056

DECISION & ORDER ON MOTION

The People, etc., ex rel. Marvin Kornberg,
o/b/o Furino, respondent, v Warden of Nassau
County Correctional Facility, appellant.

(Ind. No. 2400/08)

Motion by the appellant to stay enforcement of a judgment of the Supreme Court, Queens County, dated December 5, 2008, pending hearing and determination of an appeal therefrom.

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

ORDERED that the motion is granted and enforcement of the judgment is stayed pending hearing and determination of the appeal on condition that the appeal is perfected on or before December 29, 2008; and it is further,

ORDERED that in the event the appeal is not perfected on or before December 29, 2008, the court, on its own motion, may vacate the stay, or the respondent may move to vacate the stay, on three days notice.

ANGIOLILLO, J.P., LEVENTHAL, BELEN and CHAMBERS, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

December 17, 2008

PEOPLE EX REL. KORNBERG, o/b/o FURINO v WARDEN OF NASSAU COUNTY
CORRECTIONAL FACILITY