

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

M80226  
E/sl

A. GAIL PRUDENTI, P.J.  
ROBERT A. SPOLZINO  
WILLIAM E. McCARTHY  
JOHN M. LEVENTHAL, JJ.

---

2008-05288

DECISION & ORDER ON MOTION

Corey MacNiven, et al., plaintiffs-respondents,  
v East Hampton Union Free School District, appellant,  
Austin Wirth, et al., defendants-respondents.

(Index No. 19787-06)

---

Motion by the appellant to stay all proceedings in the above-entitled action, including the trial, pending hearing and determination of an appeal from an order of the Supreme Court, Suffolk County, dated April 28, 2008.

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

ORDERED that the motion is granted to the extent that the trial in the above-entitled action is stayed pending hearing and determination of the appeal, and the motion is otherwise denied.

PRUDENTI, P.J., SPOLZINO, McCARTHY and LEVENTHAL, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

December 22, 2008

MacNIVEN v EAST HAMPTON UNION FREE SCHOOL DISTRICT