

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

M80435  
T/sl

WILLIAM F. MASTRO, J.P.  
ANITA R. FLORIO  
RUTH C. BALKIN  
THOMAS A. DICKERSON, JJ.

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2008-11181

DECISION & ORDER ON MOTION

In the Matter of Philip Ragusa, etc., petitioner-appellant, v Board of Elections in the City of New York, et al., respondents, Frank Padavan, respondent-appellant; James Gennaro, respondent-respondent.

(Index No. 27251/08)

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Motion by the petitioner-appellant and the respondent-appellant, inter alia, to stay enforcement of an order of the Supreme Court, Queens County, dated December 10, 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 denied as academic in light of our determination of the appeal (*see Matter of Ragusa v Board of Elections in City of New York*, \_\_\_ AD3d \_\_\_ [2<sup>nd</sup> Dept, Dec. 22, 2008]).

MASTRO, J.P., FLORIO, BALKIN and DICKERSON, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

December 24, 2008

MATTER OF RAGUSA v BOARD OF ELECTIONS IN THE CITY OF NEW YORK