

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

M85806
E/cb

A. GAIL PRUDENTI, P.J.
HOWARD MILLER
RANDALL T. ENG
ARIEL E. BELEN, JJ.

2009-03035

DECISION & ORDER ON MOTION

Domingo Urena, et al., plaintiffs-respondents,
v 315 South 5th, LLC, defendant-respondent,
Alan Messner, et al., appellants.

(Index No. 23099/05)

Motion by the appellants to stay the trial in the above-entitled action pending hearing and determination of an appeal from an order of the Supreme Court, Kings County, dated January 14, 2009.

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

ORDERED that the motion is denied.

PRUDENTI, P.J., MILLER, ENG and BELEN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

April 27, 2009

URENA v 315 SOUTH 5TH, LLC