

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

M86049
E/cb

A. GAIL PRUDENTI, P.J.
WILLIAM F. MASTRO
REINALDO E. RIVERA
JOHN M. LEVENTHAL, JJ.

2009-03773

DECISION & ORDER ON MOTION

William Baumgardner, plaintiff,
v Colleen Baumgardner, defendant.

(Index No. 9400/08)

Motion by the plaintiff for leave to appeal to this court from an order of the Supreme Court, Suffolk County, dated April 21, 2009, and, inter alia, to stay enforcement of the order pending hearing and determination of the appeal.

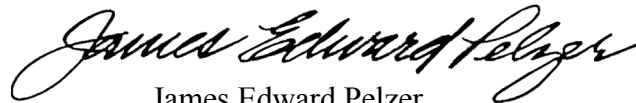
Upon the papers filed in support of the motion and the papers filed in opposition and in relation thereto, it is

ORDERED that the branch of the motion which is for leave to appeal is denied; and it is further,

ORDERED that the motion is otherwise denied as academic.

PRUDENTI, P.J., MASTRO, RIVERA and LEVENTHAL, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

May 1, 2009

BAUMGARDNER v BAUMGARDNER