

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

M86058  
E/cb

PETER B. SKELOS, J.P.  
STEVEN W. FISHER  
JOHN M. LEVENTHAL  
PLUMMER E. LOTT, JJ.

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2009-03603, 2009-03604

DECISION & ORDER ON MOTION

Mark Musachio, plaintiff,  
v Annmarie Musachio, defendant.

(Index No. 21672/04)

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Motion by Annmarie Musachio, inter alia, for leave to appeal to this court from two orders of the Supreme Court, Suffolk County, dated April 1, 2009, and April 6, 2009, respectively, and to stay enforcement of an order of the same court dated February 24, 2009, pending hearing and determination of the appeals. Cross motion by Mark Musachio to dismiss the appeals and pursuant to 22 NYCRR 130.1-1 to impose a sanction upon Annmarie Musachio and for an award of counsel fees.

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

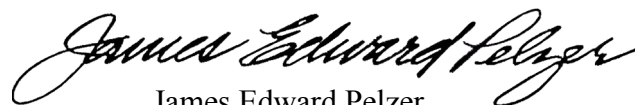
ORDERED that the branch of the motion which is for leave to appeal is denied; and it is further,

ORDERED that the motion is otherwise denied as academic; and it is further,

ORDERED that the cross motion is denied.

SKELOS, J.P., FISHER, LEVENTHAL and LOTT, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

May 1, 2009

MUSACHIO v MUSACHIO