

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

M86271
E/cb

WILLIAM F. MASTRO, J.P.
MARK C. DILLON
FRED T. SANTUCCI
RUTH C. BALKIN, JJ.

2008-08212

DECISION & ORDER ON MOTION

Deborah Cerami Mishaan, appellant,
v Robert Mishaan, respondent.

(Index No. 28784/04)

Motion by the appellant to stay the sale of the subject cooperative apartment or to permit her to remain in the subject apartment until the closing, and to stay enforcement “on the judgment of \$900 per month” pending hearing and determination of an appeal from an order of the Supreme Court, Kings County, dated July 22, 2008, and for poor person relief. Application by the appellant pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to perfect the appeal.

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

ORDERED that the branch of the motion which is for poor person relief is granted to the extent that the appeal will be heard on the original papers (including the transcript of the proceedings, if any) and on the briefs of the parties, who are directed to file nine copies of their respective briefs and to serve one copy on each other, and that branch of the motion is otherwise denied; and it is further,

ORDERED that the branches of the motion which are to stay the sale of the subject cooperative apartment or to permit her to remain in the subject apartment, and to stay enforcement “on the judgment of \$900 per month” are denied; and it is further,

ORDERED that the application is granted, and the appellant's time to perfect the appeal by causing the original papers constituting the record on the appeal to be filed in the office of the Clerk of this court (*see* 22 NYCRR 670.9[d][2]), and by serving and filing her brief on the appeal is enlarged until June 8, 2009.

MASTRO, J.P., DILLON, SANTUCCI and BALKIN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court