

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

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E/cb

ANITA R. FLORIO, J.P.
JOSEPH COVELLO
RUTH C. BALKIN
LEONARD B. AUSTIN, JJ.

2009-03879

DECISION & ORDER ON MOTION

Mary Rios, et al., plaintiffs,
v City of New York, et al., defendants.

(Index No. 3135/06)

Motion by the City of New York for leave to appeal to this court from an order of the Supreme Court, Kings County, dated April 20, 2009, and to stay the trial on the issue of damages in the above-entitled action pending hearing and determination of the appeal.

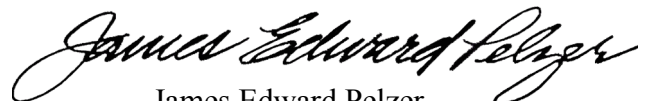
Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

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.

FLORIO, J.P., COVELLO, BALKIN and AUSTIN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

May 7, 2009

RIOS v CITY OF NEW YORK