

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

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E/cb

WILLIAM F. MASTRO, J.P.  
ANITA R. FLORIO  
RANDALL T. ENG  
CHERYL E. CHAMBERS, JJ.

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2009-00954, 2009-02057

DECISION & ORDER ON MOTION

Saverio C. Pugliese, appellant-respondent,  
v Ben Mondello, etc., respondent-appellant.  
(Appeal No. 1)

Saverio C. Pugliese, appellant, v Ben Mondello,  
etc., respondent.  
(Appeal No. 2)

(Index No. 19172/06)

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Motion by Ben Mondello on an appeal and cross appeal from an order of the Supreme Court, Nassau County, dated January 16, 2009, and an appeal from an order of the same court dated February 10, 2009, inter alia, to stay enforcement of the order of the same court dated February 10, 2009, as well as all proceedings in the above-entitled action, pending hearing and determination of the appeals and cross appeal, and to dismiss the cross appeal from the order dated January 16, 2009, on the ground that the respondent-appellant has not paid for his share of the costs of the joint record.


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 to dismiss the cross appeal is denied, as academic, as the respondent-appellant has paid his share of the costs; and it is further,

ORDERED that the motion is otherwise denied.

MASTRO, J.P., FLORIO, ENG and CHAMBERS, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

May 7, 2009

PUGLIESE v MONDELLO