

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

M86420  
E/sl

ROBERT A. SPOLZINO, J.P.  
DANIEL D. ANGIOLILLO  
JOHN M. LEVENTHAL  
PLUMMER E. LOTT, JJ.

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2009-02549, 2009-03857

DECISION & ORDER ON MOTION

Sandra Jiminez Zuluaga, respondent-appellant,  
Fabian Ospina Diaz, appellant-respondent.

(Index No. 06-4618)

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Motion by Fabian Ospina Diaz on an appeal and cross appeal from a decision of the Supreme Court, Westchester County, entered February 11, 2009, and appeals from two money judgments of the same court dated February 23, 2009, and March 9, 2009, respectively, inter alia, to stay enforcement of the decision and money judgments pending hearing and determination of the appeals and cross appeal, and to deem his notice of appeal from the decision to be a premature notice of appeal from the money judgments.

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

ORDERED that branch of the motion which is to deem the notice of appeal from the decision to be a premature notice of appeal from the judgments is granted (*see* CPLR 5520[c]); and it is further,

ORDERED that on the court's own motion the notice of cross appeal from the decision is deemed to be a premature notice of cross appeal from the judgments (*see* CPLR 5520[c]); and it is further,

ORDERED that the branch of the motion which is to stay enforcement of the money judgments dated February 23, 2009, and March 9, 2009, respectively, is granted to the extent that enforcement of the money judgments dated February 23, 2009, and March 9, 2009, respectively, is stayed pending hearing and determination of appeals from the money judgments or entry of a judgment of divorce by the Supreme Court, Westchester County, whichever occurs first; and it is further,

June 8, 2009

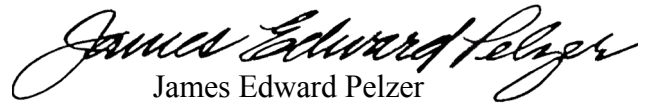
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ORDERED that the motion is otherwise denied.

SPOLZINO, J.P., ANGIOLILLO, LEVENTHAL and LOTT, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer  
Clerk of the Court