

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

M86768  
E/cb

STEVEN W. FISHER, J.P.  
MARK C. DILLON  
JOSEPH COVELLO  
THOMAS A. DICKERSON, JJ.

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2009-00028

DECISION & ORDER ON MOTION

Darrell Passeri, et al., respondents, v  
Worth Construction Co., Inc.,  
appellant.

(Index No. 16461/04)

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Motion by the appellant to stay the trial in the above-entitled action pending hearing and determination of an appeal from an order of the Supreme Court, Westchester County, entered December 8, 2008.

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

ORDERED that the motion is denied.

FISHER, J.P., DILLON, COVELLO and DICKERSON, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

May 18, 2009

PASSERI v WORTH CONSTRUCTION CO., INC.