

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

M87028  
E/sl

REINALDO E. RIVERA, J.P.  
PETER B. SKELOS  
DANIEL D. ANGIOLILLO  
RUTH C. BALKIN, JJ.

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2009-04113

DECISION & ORDER ON MOTION

In the Matter of James Davis, deceased.  
Thelma Davis, appellant;  
Kenyan G. Penceal, respondent.

(File No. 3134/03)

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Motion by the appellant to stay enforcement of an order of the Surrogate's Court, Kings County, dated April 17, 2009, pending hearing and determination of an appeal therefrom.

Upon the papers filed in support of the motion and no papers having been filed in opposition or relation thereto, it is

ORDERED that the motion is denied.

RIVERA, J.P., SKELOS, ANGIOLILLO and BALKIN, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

May 28, 2009

MATTER OF DAVIS, DECEASED