

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

M87388
E/sl

MARK C. DILLON, J.P.
FRED T. SANTUCCI
JOSEPH COVELLO
JOHN M. LEVENTHAL, JJ.

2009-04757

DECISION & ORDER ON MOTION

Robert W. Ferrara, respondent,
v Village of Chester, et al., appellants.

(Index No. 06-2881)

Motion by the appellants for leave to appeal to this court from a transcript of the Supreme Court, Orange County, dated May 18, 2009, and to stay the trial 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 on the court's own motion, the appeal is dismissed, without costs or disbursements, on the ground that no appeal lies from a transcript (*see Ojeda v Metropolitan Playhouse*, 120 AD2d 717); and it is further,

ORDERED that the branch of the motion which is to stay the trial is denied as academic.

DILLON, J.P., SANTUCCI, COVELLO and LEVENTHAL, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

June 1, 2009

FERRARA v VILLAGE OF CHESTER