

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

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E/sl

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

2009-02188, 2009-04729

DECISION & ORDER ON MOTION

Ben Wilder, etc., respondent-appellant,
v May Department Stores Company, etc.,
appellant-respondent.
(Appeal No. 1)

Ben Wilder, etc., respondent,
v May Department Stores Company, etc.,
appellant.
(Appeal No. 2)

(Index No. 8577/02)

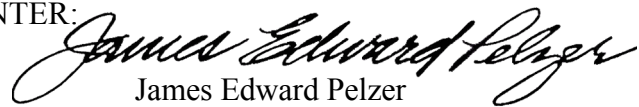
Motion by Ben Wilder, in effect, to hold in abeyance an appeal and cross appeal from an order of the Supreme Court, Queens County, dated January 22, 2009, and an appeal from an order of the same court dated April 7, 2009, pending, among other things, determination of his motion to strike the defendant's answer.

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

ORDERED that the motion is denied without prejudice to renew if and when the appeals are perfected.

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

ENTER:


James Edward Pelzer
Clerk of the Court

June 1, 2009

WILDER v MAY DEPARTMENT STORES COMPANY