

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

M87898
E/sl

A. GAIL PRUDENTI, P.J.
FRED T. SANTUCCI
HOWARD MILLER
LEONARD B. AUSTIN, JJ.

2008-09554

DECISION & ORDER ON MOTION

Elsayed Eldoh, plaintiff-respondent,
v Astoria Generating Company, L.P.,
et al., defendants third-party/second-third-party
plaintiffs-appellants, AAR Power Services, Inc.,
defendant-appellant, AAR Engine Components
Services, defendant/third-party defendant-appellant,
et al., third-party/second third-party defendants.

(Index No. 2984/04)

Motion by the defendants third-party/second-third-party plaintiffs-appellants on appeals from an order of the Supreme Court, Kings County, dated September 2, 2008, to stay all proceedings in the above-entitled action, including the trial, pending determination of an appeal by the Court of Appeals in an action entitled *Lee v Astoria Generating Co., Inc.*, commenced in the Supreme Court, New York County, under Index No. 400173/04, and to enlarge the time to perfect their appeal. Application by AAR Power Services, Inc., and AAR Engine Components Services pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to perfect their appeal.

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

ORDERED that the branch of the motion which is to stay all proceedings in the above-entitled action, including the trial, is granted to the extent that the trial in the above-entitled action is stayed pending hearing and determination of the appeal by the Court of Appeals in the action entitled *Lee v Astoria Generating Co., Inc.*; and it is further,

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ORDERED that the branch of the motion which is to enlarge the time to perfect the appeal and the application to enlarge the time to perfect the appeal are granted to the extent that within 30 days after a determination of the appeal by the Court of Appeals in the action entitled *Lee v Astoria Generating Co., Inc.*, the appellants shall perfect the appeals or advise the court that they are withdrawing the appeals; and it is further,

ORDERED that the motion and the application are otherwise denied.

The parties shall advise this court expeditiously when the Court of Appeals determines *Lee v Astoria Generating Co., Inc.*

PRUDENTI, P.J., SANTUCCI, MILLER and AUSTIN, 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