

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

M88145  
E/sl

PETER B. SKELOS, J.P.  
DANIEL D. ANGIOLILLO  
RUTH C. BALKIN  
PLUMMER E. LOTT, JJ.

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2009-04018

DECISION & ORDER ON MOTION

Czeslaw Tomczyk, et al., respondents,  
v 555 Park Avenue, Inc., appellant  
(and a third-party action).

(Index No. 4123/07)

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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, Kings County, dated March 25, 2009.

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

ORDERED that the motion is denied.

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

ENTER:



James Edward Pelzer  
Clerk of the Court

June 19, 2009

TOMCZYK v 555 PARK AVENUE, INC.