

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

M88232
E/sl

MARK C. DILLON, J.P.
HOWARD MILLER
JOHN M. LEVENTHAL
ARIEL E. BELEN, JJ.

2008-05364

DECISION & ORDER ON MOTION

Mark Goodleaf, plaintiff-respondent,
v Tzivos Hashem, Inc., defendant third-party
plaintiff second third-party plaintiff-appellant,
H & H Builders, Inc., defendant-respondent;
Danna Equipment Corporation, et al., third-party
defendants-respondents; Arnold Steel Company,
et al., second third-party defendant-respondents.

(Index No. 32625/02)

Motion by Tzivos Hashem, Inc., 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 April 14, 2008.

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

ORDERED that on the court's own motion, the notice of appeal is deemed amended to correct a defect in the description of the date of the order appealed from (*see* CPLR 2001); and it is further,

ORDERED that the motion is denied.

DILLON, J.P., MILLER, LEVENTHAL and BELEN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

June 22, 2009

GOODLEAF v TZIVOS HASHEM, INC.