

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

M88283
E/sl

ROBERT A. SPOLZINO, J.P.
PETER B. SKELOS
MARK C. DILLON
JOSEPH COVELLO, JJ.

2008-11652

DECISION & ORDER ON MOTION

Angelo Desena, et al., respondents,
v Federated Department Stores, Inc., et al.,
defendants, Ultimate Services, Inc., et al.,
appellants.

(Index No. 13010/05)

Motion by the appellants to renew and reargue their prior motion 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 November 17, 2008, which was determined by decision and order on motion dated February 4, 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.

SPOLZINO, J.P., SKELOS, DILLON and COVELLO, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

June 19, 2009

DESENA v FEDERATED DEPARTMENT STORES, INC.