

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

M89389  
E/sl

REINALDO E. RIVERA, J.P.  
ANITA R. FLORIO  
ARIEL E. BELEN  
LEONARD B. AUSTIN, JJ.

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2009-00071

DECISION & ORDER ON MOTION

Michael Salmonese, appellant,  
v Bonnie Gulli, et al., respondents.

(Index No. 102468/05)

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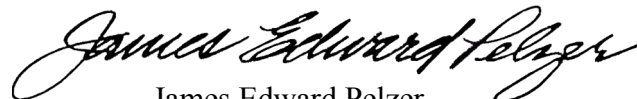
Motion by the appellant to stay the trial in the above-entitled action pending hearing and determination of an appeal from an order of the Supreme Court, Richmond County, dated December 2, 2008.

Upon the papers filed in support of the motion and no papers having been filed in opposition or relation thereto, it is

ORDERED that the motion is denied as academic in light of the determination of the appeal (*see Salmonese v Gulli*, \_\_\_ AD3d \_\_\_ [2d Dept July 7, 2009]).

RIVERA, J.P., FLORIO, BELEN and AUSTIN, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

July 13, 2009

SALMONESE v GULLI