

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

M89506  
S/sl

WILLIAM F. MASTRO, J.P.  
PETER B. SKELOS  
ANITA R. FLORIO  
CHERYL E. CHAMBERS, JJ.

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2009-06216, 2009-06874

DECISION & ORDER ON MOTION

Scott Gonnerman, appellant,  
v Laura Huddleston, et al., respondents.

(Index No. 12151/03)

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Motion by the appellant to stay the trial on damages in the above-entitled action pending hearing and determination of a purported appeal from a transcript of the Supreme Court, Nassau County, dated June 26, 2009, and an appeal from a interlocutory judgment of the same court entered July 15, 2009.

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

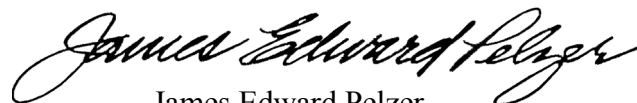
ORDERED that on the court's own motion the purported appeal from the transcript dated June 26, 2009 (Appellate Division Docket No. 2009-06216), is dismissed, without costs or disbursements, as no notice of appeal was filed and no appeal lies from a transcript (*see Ojeda v Metropolitan Playhouse*, 120 AD2d 717); and it is further,

ORDERED that the motion is granted and the trial on damages in the above-entitled action is stayed pending hearing and determination of the appeal; and it is further,

ORDERED that upon the stipulation of the parties the accumulation of interest against the respondent Laura Huddleston is stayed pending hearing and determination of the appeal.

MASTRO, J.P., SKELOS, FLORIO and CHAMBERS, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

July 30, 2009

GONNERMAN v HUDDLESTON