

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

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S/cb

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

2009-06106

DECISION & ORDER ON MOTION

Sherald Ward, plaintiff-respondent,
v Deborah Tatum Watson, defendant-
respondent, Robert Cappetta, appellant.

(Index No. 25217/05)

Motion by the appellant on an appeal from an order of the Supreme Court, Kings County, dated January 30, 2009, inter alia, to stay the retrial in the above-entitled action pending hearing and determination of the appeal.

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

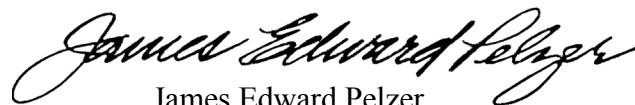
ORDERED that the branch of the motion which is to stay the retrial in the above-entitled action is granted and the retrial is stayed pending hearing and determination of the appeal on condition that the appeal is perfected on or before August 17, 2009; and it is further,

ORDERED that in the event the appeal is not perfected on or before August 17, 2009, the court, on its own motion, may vacate the stay, or the respondents may move to vacate the stay, on three days notice; and it is further,

ORDERED that the motion is otherwise denied.

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

ENTER:



James Edward Pelzer
Clerk of the Court

July 16, 2009

WARD v WATSON