

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

M89970
E/sl

REINALDO E. RIVERA, J.P.
RANDALL T. ENG
JOHN M. LEVENTHAL
L. PRISCILLA HALL, JJ.

2009-04587

DECISION & ORDER ON MOTION

In the Matter of Cathleen Carrano, appellant,
v Christopher Modelewski, et al., respondents.

(Index No. 33084-07)

Motion by the appellant on an appeal from an order of the Supreme Court, Suffolk County, dated March 31, 2009, inter alia, to stay a certain action entitled *People v Carrano*, pending in the District Court of the County of Suffolk, Third District, under Index No. 83/09, pending hearing and determination of the appeal. Cross motion by the respondents to vacate a temporary restraining order contained in the order to show cause of this court dated July 13, 2009, which brought on the appellant's motion, and to enlarge the record on appeal for purposes of opposing the motion.

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


ORDERED that the motion is denied; and it is further,

ORDERED that the branch of the cross motion which is to vacate the temporary restraining order contained in the order to show cause dated July 13, 2009, is denied as academic; and it is further,

ORDERED that the branch of the cross motion which is to enlarge the record on appeal for purposes of opposing the motion is denied.

RIVERA, J.P., ENG, LEVENTHAL and HALL, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

July 27, 2009

MATTER OF CARRANO v MODELEWSKI