

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

M90247  
J/nl

STEVEN W. FISHER, J.P.  
DANIEL D. ANGIOLILLO  
THOMAS A. DICKERSON  
RANDALL T. ENG, JJ.

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2009-06673

DECISION & ORDER ON MOTION

Dean G. Skelos, etc., et al., respondents,  
v David Paterson, etc., et al., appellants.

(Index No. 13426/09)

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Motion by the appellants, inter alia, pursuant to CPLR 5518 and 5519(c) to stay enforcement of an order of the Supreme Court, Nassau County, entered July 22, 2009, pending determination of an appeal therefrom, and to assign the appeal to the court's active management program for the issuance of a scheduling order fixing an expedited schedule for the perfection, briefing, and argument of the appeal.

Upon the papers in support of the motion and the papers submitted in opposition thereto, and upon hearing oral argument from the attorneys for the respective parties, it is

ORDERED that the branch of the motion which is for a stay is granted to the extent that, pending the determination of the appeal, (1) the preliminary injunction granted in the order appealed from entered July 22, 2009, is limited so as to enjoin the appellant Richard Ravitch only from presiding over the New York State Senate or exercising a casting vote therein, and (2) all further proceedings in the Supreme Court, Nassau County, in the above-entitled action are stayed; and it is further,

ORDERED that the branch of the motion which is to assign the appeal to the court's active management program for the issuance of a scheduling order is denied as academic in light of the issuance of such an order by the Clerk of this court dated July 27, 2009; and it is further,

ORDERED that the motion is otherwise denied and the temporary restraining order contained in the order to show cause dated July 22, 2009, is vacated forthwith.

FISHER, J.P., ANGIOLILLO, DICKERSON and ENG, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

July 30, 2009

SKELOS v PATERSON