

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

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E/sl

ANITA R. FLORIO, J.P.  
HOWARD MILLER  
RUTH C. BALKIN  
LEONARD B. AUSTIN, JJ.

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2009-06231, 2009-07412

DECISION & ORDER ON MOTION

In the Matter of Youssef Odeh, petitioner-respondent, v Zahra Assad, respondent-appellant; Rebecca Brisch, nonparty-appellant.

(Docket Nos. V-172/08, V-173/08, V-174/08)

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Motion by Zahra Assad for leave to appeal to this court from an order of the Supreme Court, Kings County (IDV Part), dated July 8, 2009, awarding temporary custody of the subject children to Youssef Odeh as well as an order of the same court also dated July 8, 2009, inter alia, directing her to be brought before the Supreme Court, Kings County, and to stay enforcement of those orders pending hearing and determination of the appeals. Separate motion by the attorney for the child Fatimah Odeh for leave to appeal to this court from so much of the order dated July 8, 2009, as awarded temporary custody of the child Fatimah Odeh to Youssef Odeh and to stay enforcement of that portion of that order pending hearing and determination of the appeal.

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

ORDERED that the branches of the motion by Zahra Assad which are for leave to appeal from the order, inter alia, directing her to be brought before the Supreme Court and to stay enforcement of that order are denied; and it is further,

ORDERED that the branches of the motion by Zahra Assad which are for leave to appeal from the order awarding temporary custody of the subject children to Youssef Odeh and to stay enforcement of that order, and the motion by the attorney for the child Fatimah Odeh for leave to appeal from so much of the order dated July 8, 2009, as awarded temporary custody of the child Fatimah Odeh to Youssef Odeh and to stay enforcement of that portion of that order are granted; and it is further,

August 14, 2009

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ORDERED that enforcement of the order dated July 8, 2009, transferring custody of the subject children to Youssef Odeh is stayed pending hearing and determination of the appeals from that order on condition that the appeals are perfected on or before October 13, 2009; and it is further,

ORDERED that in the event the appeals are is not perfected on or before October 13, 2009, the court, on its own motion, may vacate the stay, or Youssef Odeh may move to vacate the stay, on three days notice.

FLORIO, J.P., MILLER, BALKIN and AUSTIN, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court