

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

M90729
E/sl

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

2009-05790

DECISION & ORDER ON MOTION

Scott Higgins, plaintiff-respondent,
v City of New York, defendant-respondent,
Liro Program & Construction Management,
P.C., appellant.

(Index No. 23522/07)

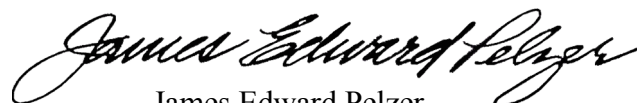
Motion by the appellant to stay the trial in the above-entitled action pending hearing and determination of an appeal from an order of the Supreme Court, Queens County, entered May 28, 2009.

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

ORDERED that the motion is denied.

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

ENTER:



James Edward Pelzer
Clerk of the Court

August 12, 2009

HIGGINS v CITY OF NEW YORK