

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

M91029
E/sl

ROBERT A. SPOLZINO, J.P.
MARK C. DILLON
HOWARD MILLER
DANIEL D. ANGIOLILLO, JJ.

2009-05430

DECISION & ORDER ON MOTION

In the Matter of City of Newburgh, appellant,
v Jean-Ann McGrane, respondent.

(Ind. No. 09-3144)

Motion by the appellant, inter alia, to confirm that an automatic stay pursuant to CPLR 5519(a)(1) exists on an appeal from an order of the Supreme Court, Orange County, dated May 27, 2009, and for an award of costs and an attorney's fee payable by the American Arbitration Association.

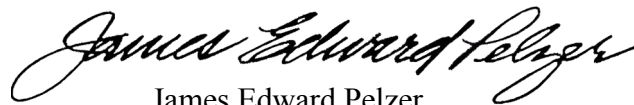
Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the branch of the motion which is to confirm that an automatic stay pursuant to CPLR 5519(a)(1) exists is granted, and the arbitration proceeding between the parties pending before the American Arbitration Association under case number 191660001809 is subject to an automatic stay (*see* CPLR 5519[a][1]), pending hearing and determination of the appeal; and it is further,

ORDERED that the motion is otherwise denied.

SPOLZINO, J.P., DILLON, MILLER and ANGIOLILLO, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

August 20, 2009

MATTER OF CITY OF NEWBURGH v McGRANE