

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

M91099  
E/sl

FRED T. SANTUCCI, J.P.  
HOWARD MILLER  
RUTH C. BALKIN  
LEONARD B. AUSTIN, JJ.

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2009-07508

DECISION & ORDER ON MOTION

Ray Haber, et al., appellants,  
v Betty Cohen, et al., respondents  
(and a third-party action).

(Index No. 1033/05)

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Motion by the appellants to stay the trial in the above-entitled action pending hearing and determination of an appeal from an order of the Supreme Court, Kings County, dated August 10, 2009.

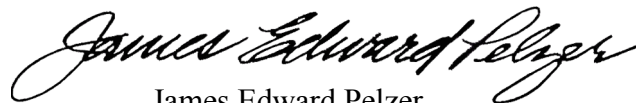
Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the motion is granted, and the trial in the above-entitled action is stayed pending hearing and determination of the appeal on condition that the appeal is perfected on or before September 21, 2009; and it is further,

ORDERED that in the event the appeal is not perfected on or before September 21, 2009, the court, on its own motion, may vacate the stay, or the respondents may move to vacate the stay, on three days notice.

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

ENTER:



James Edward Pelzer  
Clerk of the Court

August 21, 2009

HABER v COHEN