

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

M91303
E/sl

STEVEN W. FISHER, J.P.
MARK C. DILLON
JOSEPH COVELLO
RANDALL T. ENG, JJ.

2009-06894

DECISION & ORDER ON MOTION

Tower Insurance Company, etc., respondent,
et al., plaintiffs, v Robert Murello, etc., et al.,
appellants.

(Index No. 4883/07)

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, Nassau County, entered April 9, 2009. Application by Tower Insurance Company pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to serve and file a brief.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, and upon the application, 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; and it is further,

ORDERED that on the court's own motion, on or before September 9, 2009, Tower Insurance Company shall file in the office of the Clerk of this court, under seal, the "Pryor Report" dated September 29, 2005, and the "Final Cesco Report" dated October 1, 2008, for in camera review, and those documents shall remain sealed upon filing; and it is further,

ORDERED that the application is granted and the time of Tower Insurance Company to serve and file a brief is enlarged until September 23, 2009, and the brief of Tower Insurance Company must be served and filed on or before that date.

FISHER, J.P., DILLON, COVELLO and ENG, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

August 26, 2009

TOWER INSURANCE COMPANY v MURELLO