

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

M91318
E/sl

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

2009-07287, 2009-07288, 2009-07289

DECISION & ORDER ON MOTION

Michael Kooper, respondent,
v Elisabeth Kooper, appellant.

(Index No. 9882-08)

Motion by the appellant to stay certain depositions and document production in the above-entitled action pending hearing and determination of appeals from two orders of the Supreme Court, Suffolk County, both dated July 21, 2009, and an order of the same court dated July 22, 2009.

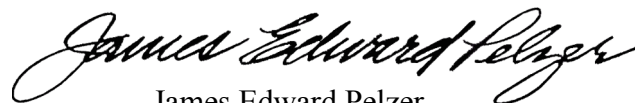
Upon the papers filed in support of the motion and the papers filed in opposition and in relation thereto, it is

ORDERED that on the court's own motion, the appeal from the order dated July 22, 2009 (Appellate Division Docket No. 2009-07288), is dismissed, without costs or disbursements, on the ground that no appeal lies as of right from so much of the order as directed the appellant to appear for a further deposition and we decline to grant leave to appeal (*see Sainz v New York City Health & Hosps. Corp.*, 106 AD3d 500), and the appellant is not aggrieved from the remaining portions of the order (*see CPLR 5511*); and it is further,

ORDERED that the motion is denied.

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

ENTER:



James Edward Pelzer
Clerk of the Court

August 26, 2009

KOOPER v KOOPER