

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

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E/sl

WILLIAM F. MASTRO, J.P.
JOHN M. LEVENTHAL
CHERYL E. CHAMBERS
SHERI S. ROMAN, JJ.

2009-07804, 2009-07806

DECISION & ORDER ON MOTION

In the Matter of David Schick, respondent,
v Robin Schick, appellant.

(Docket No. V-4163/06)

Motion by the appellant for leave to appeal to this court from an order of the Supreme Court, Queens County, dated August 14, 2009, and a decision of the same court dated August 17, 2009, and, in effect, to stay enforcement of the order pending hearing and determination of the appeals.

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

ORDERED that the branch of the motion which is for leave to appeal to this court from the order dated August 14, 2009 (Appellate Division Docket No. 2009-07804), is granted; and it is further,

ORDERED that the branch of the motion which is for leave to appeal to this court from the decision dated August 17, 2009 (Appellate Division Docket No. 2009-07806), is denied (*see Schicchi v J.A. Green Constr. Co.*, 100 AD2d 509); and it is further,

ORDERED that the branch of the motion which is, in effect, to stay enforcement of the order dated August 14, 2009, pending hearing and determination of the appeals is granted to the extent that enforcement of the order dated August 14, 2009, is stayed pending hearing and determination of the appeal from that order on condition that the appeal is perfected on or before October 5, 2009, and that branch of the motion is otherwise denied; and it is further,

September 3, 2009

MATTER OF SCHICK v SCHICK

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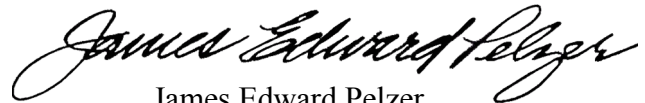
ORDERED that in the event the appeal from the order dated August 14, 2009, is not perfected on or before October 5, 2009, the court, on its own motion, may vacate the stay, or the respondent may move to vacate the stay, on three days notice; and it is further,

ORDERED that the respondent and the attorney for the child shall serve and file their briefs, if any, on or before November 4, 2009; and it is further,

ORDERED that the appellant shall serve and file her reply brief, if any, on or before November 16, 2009.

MASTRO, J.P., LEVENTHAL, CHAMBERS and ROMAN, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court