

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

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E/sl

PETER B. SKELOS, J.P.
FRED T. SANTUCCI
ARIEL E. BELEN
L. PRISCILLA HALL, JJ.

2009-08292

DECISION & ORDER ON MOTION

In the Matter of Daniel Rios, petitioner,
v Elibby Schlesinger, respondent.

(Docekt Nos. V-6544/09, V-25391/08)

Motion by Elibby Schlesinger for leave to appeal to this court from an order of the Family Court, Kings County, dated September 2, 2009, and to stay enforcement of the order pending hearing and determination of the appeal and for poor person relief.

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

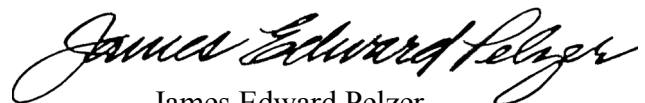
ORDERED that the branch of the motion which is for leave to appeal is denied; and it is further,

ORDERED that on the court's own motion, the appeal purportedly taken as of right is dismissed, without costs or disbursements; and it is further,

ORDERED that the branches of the motion which are to stay enforcement of the order pending hearing and determination of the appeal and for poor person relief are denied as academic.

SKELOS, J.P., SANTUCCI, BELEN and HALL, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

September 24, 2009

MATTER OF RIOS v SCHLESINGER