

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

M93816
E/sl

MARK C. DILLON, J.P.
ANITA R. FLORIO
RUTH C. BALKIN
JOHN M. LEVENTHAL, JJ.

2009-09480

DECISION & ORDER ON MOTION

Linda Morganti, respondent,
v Michael Morganti, defendant;
Alexandria Fisher, nonparty-appellant.

(Index No. 1833/03)

Motion by the nonparty-appellant, in effect, to stay enforcement of a subpoena duces tecum dated September 3, 2009, and a notice of examination before trial for testimony of Webster Bank dated September 1, 2009, pending hearing and determination of an appeal from an order of the Supreme Court, Putnam County, dated September 30, 2009.

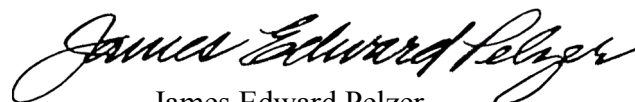
Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the motion is granted, and enforcement of the subpoena duces tecum dated September 3, 2009, and the notice of examination before trial for testimony of Webster Bank dated September 1, 2009, is stayed pending hearing and determination of the appeal on condition that the appeal is perfected on or before November 30, 2009; and it is further,

ORDERED that in the event the appeal is not perfected on or before November 30, 2009, the court, on its own motion, may vacate the stay, or the respondent may move to vacate the stay, on three days notice.

DILLON, J.P., FLORIO, BALKIN and LEVENTHAL, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

October 29, 2009

MORGANTI v MORGANTI