

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 6, 2019.

Present: Hon. David Friedman, Justice Presiding,  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer  
Cynthia S. Kern, Justices.

-----X  
In the Matter of a Family Offense  
Proceeding Under Article 8 of the  
Family Court Act.

CONFIDENTIAL

M-440

Nicholas G. A.,  
Petitioner-Respondent,

Docket No. 0-37617-14/17B  
0-37617-14/17C

-against-

Lillian A.,  
Respondent-Appellant.

-----X

Appeals having been taken by respondent-appellant Lillian A. (respondent) from the order of the Family Court, New York County, entered on or about January 17, 2019, which, inter alia, granted petitioner-respondent Nicholas G.A.'s (petitioner) petitions alleging that respondent had violated a March 16, 2015 order of protection and requesting that the order of protection be extended and modified, and the final order of protection for one year of the same court, also entered on or about January 17, 2019, which, inter alia, directed respondent to stay away from petitioner-respondent Nicholas G.A. (petitioner), her brother, and excluded respondent from the residence she shared with petitioner at 1326 Madison Avenue, Apartment 2, Floor 1, New York, New York 10128,

And respondent having moved to stay enforcement of the aforesaid order and final order of protection pending the hearing and determination of the appeal,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of staying, pending hearing and determination of the appeal, the enforcement of the provisions of the January 17, 2019 final order of protection which (i) directed respondent to stay away from petitioner, except for the provision requiring respondent to stay away from petitioner's business, and (ii) excluded respondent

from the apartment at 1326 Madison Avenue, Apartment 2, Floor 1, New York, New York 10128, in which she resided with petitioner, on condition that the appeal is perfected for the June 2019 Term of this Court. The usual terms (non-stay-away) two-year order of protection entered by the Family Court, New York County on or about March 16, 2015, which provided that respondent "[r]efrain from assault, stalking, harassment, aggravated harassment menacing, reckless endangerment, strangulation, criminal obstruction of breathing or circulation, disorderly conduct, criminal mischief, sexual abuse, sexual misconduct, forcible touching, intimidation, threats, identity theft, grand larceny, coercion or any criminal offense against [petitioner]," which was continued by the Family Court during the pendency of the proceedings, is hereby reinstated and shall remain in effect pending hearing and determination of the appeal.

The parties are directed to serve a copy of this order on the Clerk of the Family Court,

ENTERED:

  
CLERK