

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

M245011
E/afa

ALAN D. SCHEINKMAN, P.J.
MARK C. DILLON
SYLVIA O. HINDS-RADIX
LINDA CHRISTOPHER, JJ.

2017-13023

DECISION & ORDER ON MOTION

John Lundy, respondent-appellant,
v Lance Austein, et al., appellants-
respondents, Servpro of Bullitt &
North Nelson Counties, respondent.

(Index No. 150985/14)

Motion by the appellants-respondents to stay all proceedings in the above-entitled action, including the trial, pending hearing and determination of an appeal and a cross appeal from an order of the Supreme Court, Richmond County, dated November 30, 2017.

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

ORDERED that the motion is granted to the extent that the trial in the above-entitled action is stayed pending hearing and determination of the appeal and cross appeal on condition that the appeal is perfected on or before February 22, 2018, and the motion is otherwise denied; and it is further,

ORDERED that in the event the appeal is not perfected on or before February 22, 2018, the Court, on its own motion, may vacate the stay, without further notice, or the respondent-appellant may move to vacate the stay, on three days notice.

SCHEINKMAN, P.J., DILLON, HINDS-RADIX and CHRISTOPHER, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

January 23, 2018

LUNDY v AUSTEIN