

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

M245404
E/rr

ALAN D. SCHEINKMAN, P.J.
JOHN M. LEVENTHAL
BETSY BARROS
VALERIE BRATHWAITE NELSON, JJ.

2018-00317

DECISION & ORDER ON MOTION

Emanuel Mizrahi, D.D.S., P.C., respondent,
v Angela Andretta D.M.D., P.C., et al., appellants.

(Index No. 12974/2015)

Motion by the appellants to stay enforcement of stated portions of an order of the Supreme Court, Queens County, dated November 8, 2017, pending hearing and determination of an appeal from the order.

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 so much of the order dated November 8, 2017, as enjoined the appellants from operating an orthodontic practice or any other business under the respondent's mark and name and from operating a website registered and existing under the domain name "foresthillsorthodontics.com" or any similar variations and enjoined the appellants from displaying or erecting signs, distributing flyers, or otherwise using the respondent's mark and name and the domain name "foresthillsorthodontics.com" is stayed pending hearing and determination of the appeal on condition that the appeal is perfected on or before March 2, 2018; and it is further,

ORDERED that in the event the appeal is not perfected on or before March 2, 2018, the Court, on its own motion, may vacate the stay, without further notice, or the respondent may move to vacate the stay, on three days notice.

SCHEINKMAN, P.J., LEVENTHAL, BARROS, and BRATHWAITE NELSON, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

January 30, 2018

EMANUEL MIZRAHI, D.D.S., P.C. v ANGELA ANDRETTA D.M.D., P.C.