

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

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RUTH C. BALKIN, J.P.
LEONARD B. AUSTIN
SANDRA L. SGROI
VALERIE BRATHWAITE NELSON, JJ.

2018-01294

DECISION & ORDER ON MOTION

Berardi Stone Setting, Inc., respondent,
v Stonewall Contracting Corp., appellant.

(Index No. 55925/16)

Motion by the appellant on an appeal from an order of the Supreme Court, Westchester County, dated January 16, 2018, inter alia, to stay enforcement of a judgment of the same court dated August 25, 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 to the extent that enforcement of the judgment dated August 25, 2017, is stayed pending hearing and determination of the appeal from the order dated January 16, 2018, on condition that the appeal is perfected on or before March 19, 2018, and the motion is otherwise denied; and it is further,

ORDERED that in the event the appeal is not perfected on or before March 19, 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.

BALKIN, J.P., AUSTIN, SGROI and BRATHWAITE NELSON, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

February 16, 2018

BERARDI STONE SETTING, INC. v STONEWALL CONTRACTING CORP.