

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 May 10, 2001

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Betty Weinberg Ellerin
Richard W. Wallach
Israel Rubin
David Friedman, Justices.

-----X
In the Matter of the Application of

New York City Coalition to End
Lead Poisoning, Inc., et al.,
Petitioners/Plaintiffs-Respondents,

For a Judgment pursuant to Article 78
and §3001 of the CPLR,

-against-

Peter Vallone, etc., et al.,
Respondents/Defendants-Appellants.

M-1887 and M-2433
Index No. 120911/99

-----X
An appeal having been taken by respondents/defendants-appellants from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about February 22, 2001,

And respondents/defendants-appellants having moved for a declaration that a stay of trial in the above-entitled action exists pursuant to CPLR 5519(a)(1) or, in the alternative, granting a discretionary stay of trial pursuant to CPLR 5519(c), pending hearing and determination of the aforesaid appeal,

And petitioners/plaintiffs-respondents having cross-moved, pursuant to CPLR 5519(c), to vacate any automatic stay, if one exists, from the order and judgment entered on or about February 22, 2001, and related relief,

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

It is ordered that the motion is granted to the extent of granting a discretionary stay on condition the appeal is perfected for the October 2001 Term. The cross-motion to vacate the stay is granted unless the appeal is perfected for said Term.

Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that petitioners/plaintiffs-respondents serve a copy of this order upon respondents/defendants-appellants within 10 days after the date of entry hereof.

ENTER:

Catherine O'Hagan Wolfe
Clerk.