

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

M281315

E/mb

FRANCESCA E. CONNOLLY, J.P.
CHERYL E. CHAMBERS
SHERI S. ROMAN
LARA J. GENOVESI, JJ.

2022-00532

DECISION & ORDER ON MOTION

In the Matter of Michael Demetriou, etc.,
et al., respondents, v New York State
Department of Health, et al., appellants.

(Index No. 616124/2021)

Appeal from an order and judgment (one paper) of the Supreme Court, Nassau County, dated January 24, 2022. Motion by the appellants, in effect, to stay enforcement of the order and judgment, pending hearing and determination of the appeal. Separate motion by Locust Valley School District, Island Trees School District, Massapequa School District, Hauppauge Union Free School District, Plainedge Union Free School District, Connetquot Central School District, Shoreham-Wading River Central School District, and Lindenhurst School District for leave to file a brief, as amici curiae, in connection with the appellants' motion for a stay.

Upon the papers filed in support of the appellants' motion and the papers filed in opposition thereto, and upon the papers filed in support of the motion for leave to file a brief, as amici curiae, and no papers having been filed in opposition or in relation thereto, it is

ORDERED that the motion for leave to file a brief, as amici curiae, in connection with the motion is granted, and the brief annexed to the motion papers has been considered in connection with the appellants' motion for a stay; and it is further,

ORDERED that the appellants' motion is granted, and enforcement of the order dated January 24, 2022, is stayed pending hearing and determination of the appeal on condition that the appeal is perfected on or before March 2, 2022; and it is further,

ORDERED that in the event the appeal is not perfected on or before March 2, 2022, the Court, on its own motion, may vacate the stay, without further notice, or the respondents may move to vacate the stay, on three days notice.

CONNOLLY, J.P., CHAMBERS, ROMAN and GENOVESI, JJ., concur.

ENTER:



Maria T. Fasulo
Clerk of the Court

January 31, 2022

MATTER OF DEMETRIOU v NEW YORK STATE DEPARTMENT OF HEALTH