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July 11, 2013

BY HAND

Ms. Charlotte Williams
Part Clerk, Part 59
Supreme Court of the State of New York, New York County
71 Thomas Street
New York, NY 10013

Re: Leventhal v. Bayside Cemetery et al., Index No. 100530/2011E

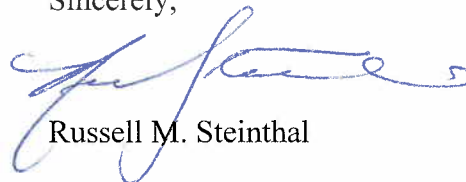
Dear Ms. Williams:

I represent Defendants Congregation Shaare Zedek and Bayside Cemetery in the above-referenced action. Counsel for Plaintiff has authorized me to indicate that he joins in this letter.

By the attached stipulation (sent to the Court by facsimile on February 4, 2013), the parties stayed all further proceedings in the above-referenced action pending the resolution of pending appeals from the Court's Decision and Order dated January 9, 2012 and from the final judgment entered in the related case of Lucker et al. v. Bayside Cemetery et al., Index No. 114818/2009E. The Appellate Division, First Department heard argument on both appeals on May 9, 2013, but has not yet announced either decision.

Accordingly, the parties respectfully request that the preliminary conference scheduled for July 23, 2013 be adjourned and a conference scheduled at the Court's convenience in mid-January 2014, by which point we hope the appellate decisions will be available.

Sincerely,



Russell M. Steintahl

Attachment

cc: Michael M. Buchman, Esq. (by electronic mail)

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----)
) Index No. 100530/2011E
) Hon. Debra A. James
STEVEN R. LEVENTHAL as representative of a)
class consisting of himself and all others similarly)
situated,)
)
) Plaintiff,)
)
) v.)
)
BAYSIDE CEMETERY, CONGREGATION)
SHAARE ZEDEK AND COMMUNITY)
ASSOCIATION FOR JEWISH AT-RISK)
CEMETERIES, INC.,)
)
) Defendants.)
-----)

STIPULATION TO STAY PENDING APPEAL

IT IS HEREBY STIPULATED AND AGREED as follows:

1. All proceedings and discovery in this action are stayed pending resolution of (i) all pending appeals from the final judgment entered in favor of defendants Congregation Shaare Zedek and Bayside Cemetery in Lucker et al. v. Bayside Cemetery et al., Index No. 114818/2009E; and (ii) all pending appeals from the Decision and Order in this action dated January 9, 2012 (Motion Sequence No. 2) granting in part and denying in part Congregation Shaare Zedek's and Bayside Cemetery's motion to dismiss.
2. The parties shall inform the Court promptly upon resolution of the appeals referenced above so that a preliminary conference in this action can be scheduled.

--- SIGNATURES FOLLOW ---

AGREED TO:

MICHAEL M. BUCHMAN, ESQ.

By: 

Michael M. Buchman
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(212) 661-1100
Counsel for Plaintiff Steven R. Leventhal

AXINN, VELTROP & HARKRIDER LLP

By: 

Russell M. Steintal
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New York, NY 10036
(212) 728-2200
Counsel for Defendants Congregation Shaare Zedek and Bayside Cemetery

SO ORDERED this ___th day of February, 2013, at New York, New York:

The Honorable Debra A. James, J.S.C.