

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 judgments entered in favor of the defendants in Lucker et al. v. Bayside Cemetery et al., Index No. 114818/2009E; (ii) all appeals that may be taken from the final judgment entered in favor of Defendant Community Association for Jewish At-Risk Cemeteries, Inc. in this action; and (iii) all appeals that may be taken 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 (the "January Order").
2. Notwithstanding the stay provided for above, Defendants Congregation Shaare Zedek and Bayside Cemetery shall file an answer to the Complaint on or before February 16, 2012.
3. Nothing in this stipulation shall affect the deadlines provided for by law for noting any appeals from the January Order.
4. 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  
c/o Pomerantz Haudek Block Grossman & Gross LLP  
100 Park Avenue  
New York, NY 10017  
(212) 661-1100  
*Counsel for Plaintiff Steven R. Leventhal*

AXINN, VELTROP & HARKRIDER LLP

By: \_\_\_\_\_

Russell M. Steintal  
114 West 47<sup>th</sup> Street  
New York, NY 10036  
(212) 728-2200  
*Counsel for Defendants Congregation Shaare Zedek and Bayside Cemetery*

**SO ORDERED** this \_\_\_\_th day of February, 2012, at New York, New York:

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

AGREED TO:

MICHAEL M. BUCHMAN, ESQ.

By: \_\_\_\_\_

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c/o Pomerantz Haudek Block Grossman & Gross LLP  
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*Counsel for Plaintiff Steven R. Leventhal*

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(212) 728-2200  
*Counsel for Defendants Congregation Shaare Zedek and Bayside Cemetery*

**SO ORDERED** this \_\_\_th day of February, 2012, at New York, New York:

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

MODE = MEMORY TRANSMISSION

START=FEB-06 16:06

END=FEB-06 16:07

FILE NO.=292

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 114 WEST 47TH STREET NEW YORK, NY 10036  
 TEL. 212.728.2200 FAX: 212.728.2201

**FACSIMILE COVER SHEET**

**Date:** February 6, 2012

**From:** Russell M. Steinthal

**Tel. No.:** (212) 728-2207

Addressee	Tel. No.	Fax No.
Hon. Debra A. James, J. S. C. Supreme Court of the State of New York New York County IAS Part 59	(646) 386-3351	(212) 374-5677
Michael M. Buchman Esq. Pomerantz Haudek Block Grossman & Gross LLP	(212) 661-1100	(212) 661-8665

**Total Pages:** 4

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

Per our recent telephone conversation with the Part Clerk, attached please find a stipulation signed by counsel to all parties remaining in this action, which we understand dispenses with the need for the preliminary conference set for 9:30 am tomorrow in Part 59.

If we have misunderstood, please contact counsel for Plaintiff at (212) 661-1100 or counsel for Defendants at (212) 728-2207.

**NOTICE**  
 THE INFORMATION CONTAINED IN THIS FACSIMILE COVER SHEET AND ANY ATTACHED DOCUMENTS IS CONFIDENTIAL AND IS INTENDED ONLY FOR THE RECIPIENT(S) NAMED ABOVE. THIS FACSIMILE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF YOU ARE NOT THE INTENDED RECIPIENT OR PERSON AUTHORIZED TO DELIVER THIS FACSIMILE, YOU ARE HEREBY NOTIFIED YOU HAVE RECEIVED THIS FACSIMILE IN ERROR AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS FACSIMILE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL FACSIMILE TO US BY MAIL. THANK YOU.

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 FILE NO.=293

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