

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 June 19, 2003.

PRESENT: Hon. Eugene Nardelli, Justice Presiding,
Ernst H. Rosenberger
Milton L. Williams
George D. Marlow
Luis A. Gonzalez, Justices.

-----x
Spike Lee, an individual

Plaintiff-Respondent,

M-2994

Index No. 110080/03

-against-

Viacom, Inc., a Delaware corporation;
MTVN NETWORKS, a division of defendant
Viacom, Inc.; THE NEW TNN;
THE NATIONAL NETWORK; a unit or
Division of defendant MTVN NETWORKS;
and ALBIE HECHT, an individual;
and DOES 1-20,

Defendants-Appellants.
-----x

An appeal having been taken by the above-named defendants from an order of the Supreme Court, New York County, entered on or about June 13, 2003,

And said defendants-appellants having moved, inter alia, pursuant to CPLR 5518, for a preliminary appellate injunction with respect to the aforesaid order, and for related relief,

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

It is ordered that the motion is, insofar as it seeks a preliminary appellate injunction, denied. So much of the motion which seeks to have the appeal designated as enumerated pursuant to 22 NYCRR 600.4(13) is granted to the extent of directing the Clerk to calendar the appeal for argument during the first week of the September, 2003 Term, for which Term the appellants are directed to so perfect.

ENTER:

Catharine O'Hagan Wolfe
CLERK.