

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

M72060  
E/sl

A. GAIL PRUDENTI, P.J.  
DAVID S. RITTER  
ANITA R. FLORIO  
WILLIAM E. McCARTHY, JJ.

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2007-11006

DECISION & ORDER ON MOTION

Mildred Lawn, respondent,  
v Jennifer Gigliotti, appellant.

(Index No. 3488-04)

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Motion by the appellant pro se for leave to prosecute an appeal from an order of the Supreme Court, Suffolk County, dated October 18, 2007, as a poor person and for the assignment of counsel. Cross motion by the respondent to dismiss the appeal for failure to timely perfect the same. Application by the appellant pro se pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to perfect the appeal.

Upon the papers filed in support of the motion, the cross motion, and the application, and the papers filed in opposition thereto, it is

ORDERED that the branch of the motion which is for leave to prosecute the appeal on the original papers is granted, and the appeal will be heard on the original papers (including the transcript of the proceedings, if any) and on the briefs of the parties, who are directed to file nine copies of their respective briefs and to serve one copy on each other; and it is further,

ORDERED that the branches of the motion which are to waive the filing fee and for the assignment of counsel are denied; and it is further,

ORDERED that the application is granted, and the appellant's time to perfect the appeal by causing the original papers constituting the record on the appeal to be filed in the office of the Clerk of this court (*see* 22 NYCRR 670.9[d][2]) and by serving and filing her brief on the appeal is enlarged until August 18, 2008; and it is further,

June 19, 2008

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ORDERED that the cross motion is denied.

PRUDENTI, P.J., RITTER, FLORIO and McCARTHY, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer  
Clerk of the Court