

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

M73784
E/sl

ROBERT A. SPOLZINO, J.P.
STEVEN W. FISHER
MARK C. DILLON
THOMAS A. DICKERSON, JJ.

2007-09532

DECISION & ORDER ON MOTION

Transportation Insurance Company, et al.,
appellants, v Simplicity, Inc., et al., respondents,
et al., defendants.

(Index No. 06-17585)

Motion by Stevens & Lee, P.C., the attorney for Simplicity, Inc., for leave to withdraw as counsel on an appeal from an order of the Supreme Court, Westchester County, dated September 12, 2007. Application by the appellants for an award “of fees and costs from Stevens & Lee, P.C., for withholding material information”.

Upon the papers filed in support of the motion and the papers filed in relation thereto, it is

ORDERED that the motion is granted, and Stevens & Lee, P.C., is relieved from representing Simplicity, Inc., with respect to the instant appeal; and it is further,

ORDERED that on or before August 11, 2008, Stevens & Lee, P.C., is directed to serve its client by one of the methods specified in CPLR 2103(c), with a copy of this decision and order on motion and shall file proof of such service with the Clerk of this court; and it is further,

ORDERED that no further proceedings shall be taken against Simplicity, Inc., without leave of the court, until the expiration of 30 days after service upon it of a copy of this decision and order on motion; and it is further,

ORDERED that the time of Simplicity, Inc., to serve and file a brief is enlarged until October 10, 2008, and the brief of Simplicity, Inc., must be served and filed on or before that date; and it is further,

July 28, 2008

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ORDERED that no further enlargement of time shall be granted; and it is further,

ORDERED that the application is denied.

SPOLZINO, J.P., FISHER, DILLON and DICKERSON, JJ., concur.

ENTER:

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

James Edward Pelzer
Clerk of the Court