

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

M76359

E/sl

ROBERT A. SPOLZINO, J.P.
ANITA R. FLORIO
HOWARD MILLER
JOHN M. LEVENTHAL, JJ.

2007-09616

DECISION & ORDER ON MOTION

In the Matter of Calvary Hospital, Inc., et al.,
appellants, v David B. Tweedy, etc., et al.,
respondents.

(Index No. 18049/05)

Motion by the appellants to recall and vacate so much of a decision and order on motion of this court, entitled "In the Matter of the Dismissal of Causes for Failure to Perfect - May 2008 Calendar," dated June 18, 2008, as dismissed an appeal from a judgment of the Supreme Court, Queens County, entered August 10, 2007, pursuant to 22 NYCRR 670.8(e) for failure to timely perfect, to reinstate the appeal, and to enlarge the time to perfect the appeal.

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

ORDERED that the motion is granted; and it is further,


ORDERED that so much of the decision and order on motion of this court dated June 18, 2008, as dismissed the instant appeal, is recalled and vacated; and it is further,

ORDERED that the appellants' time to perfect the appeal is enlarged until November 25, 2008, and the record on appeal and the appellants' brief must be served and filed on or before that date; and it is further,

ORDERED that no further enlargement of time shall be granted.

SPOLZINO, J.P., FLORIO, MILLER and LEVENTHAL, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

October 1, 2008

MATTER OF CALVARY HOSPITAL, INC. v TWEEDY