

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

M76993
E/sl

REINALDO E. RIVERA, J.P.
ROBERT A. LIFSON
EDWARD D. CARNI
RANDALL T. ENG, JJ.

2008-02575

DECISION & ORDER ON MOTION

Teresa Vogelgesang, respondent,
v Arthur Vogelgesang, appellant.

(Index No. 750/05)

Motion by the respondent, inter alia, to dismiss an appeal from an order of the Supreme Court, Queens County, dated February 6, 2008, as untimely taken or on the ground that the notice of appeal is invalid and/or defective, or to enlarge the time to serve and file a brief.

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

ORDERED that the branch of the motion which is to enlarge the time to serve and file a brief is granted, the respondent's time to serve and file a brief is enlarged until November 10, 2008, and the respondent's brief must be served and filed on or before that date; and it is further,

ORDERED that the motion is otherwise denied.

RIVERA, J.P., LIFSON, CARNI and ENG, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

October 10, 2008

VOGELGESANG v VOGELGESANG