

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

M77270
E/sl

ROBERT A. SPOLZINO, J.P.
DAVID S. RITTER
HOWARD MILLER
MARK C. DILLON, JJ.

2008-03034

DECISION & ORDER ON MOTION

Carol Watson, respondent,
v Lenox Pascal, appellant, et al., defendant.

(Index No. 02-13496)

Motion by the appellant on an appeal from a judgment of the Supreme Court, Westchester County, dated May 5, 2008, in effect, to amend so much of a decision and order on motion of this court dated May 22, 2008, as amended by decision and order on motion of this court dated August 20, 2008, as conditioned a stay of enforcement of the judgment, upon the perfection of the appeal on or before September 22, 2008, and to enlarge the time to perfect the appeal.

Upon the papers filed in support of the motion and no papers having been filed in opposition or relation thereto, it is

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

ORDERED that the decision and order on motion dated May 22, 2008, is amended by deleting from the decretal paragraphs thereof the date "September 22, 2008," and substituting therefor the date "December 16, 2008"; and it is further,

ORDERED that the appellant's time to perfect the appeal is enlarged until December 16, 2008, and the record or appendix on the appeal and the appellant's brief must be served and filed on or before that date; and it is further,

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ORDERED that on or before November 17, 2008, the appellant shall either make a motion in this court to perfect the appeal without the exhibits or make a motion in the Supreme Court, Westchester County, for a hearing to reconstruct the exhibits.

SPOLZINO, J.P., RITTER, MILLER and DILLON, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court