

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

M77273
E/sl

DAVID S. RITTER, J.P.
ANITA R. FLORIO
EDWARD D. CARNI
JOHN M. LEVENTHAL, JJ.

2007-05547

DECISION & ORDER ON MOTION

John E. Cruz, appellant, v Toyota Motor
Credit Corporation, et al., respondents.

(Index No. 17730-03)

Motion by the appellant to recall and vacate a decision and order on motion of this court dated February 19, 2008, which dismissed an appeal from an order of the Supreme Court, Suffolk County, dated April 9, 2007, 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 opposition thereto, it is

ORDERED that the motion is denied.

RITTER, J.P., FLORIO, CARNI and LEVENTHAL, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

October 17, 2008

CRUZ v TOYOTA MOTOR CREDIT CORPORATION