

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

M77474
E/sl

STEVEN W. FISHER, J.P.
HOWARD MILLER
MARK C. DILLON
RANDALL T. ENG, JJ.

2008-00141, 2008-00142

DECISION & ORDER ON MOTION

M & T Mortgage Corporation, respondent,
v Rachel Bartholomew, et al., defendants;
Shari Dottin, nonparty-appellant.

(Index No. 38161/02)

Motion by the nonparty-appellant to recall and vacate a decision and order on motion of this court dated August 26, 2008, which dismissed appeals from two orders of the Supreme Court, Kings County, dated June 19, 2007, and August 14, 2007, respectively, pursuant to 22 NYCRR 670.8(e) for failure to timely perfect, to reinstate the appeals, to enlarge the time to perfect the appeals, and for poor person relief.

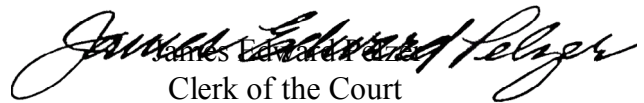
Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the branches of the motion which are to recall and vacate the decision and order on motion dated August 26, 2008, and to reinstate the appeals are denied; and it is further,

ORDERED that the branches of the motion which are to enlarge the time to perfect the appeals and for poor person relief are denied as academic.

FISHER, J.P., MILLER, DILLON and ENG, JJ., concur.

ENTER:


James Edward Kelly
Clerk of the Court

October 22, 2008

M & T MORTGAGE CORPORATION v BARTHOLOWMEW