

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

M77569
E/sl

ROBERT A. SPOLZINO, J.P.
ANITA R. FLORIO
WILLIAM E. McCARTHY
THOMAS A. DICKERSON, JJ.

2007-11449

DECISION & ORDER ON MOTION

First Franklin Financial Corp., respondent,
v Jerome D. Taylor, appellant.

(Index No. 2546/06)

Motion by the appellant 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 - August 2008 Calendar," dated September 2, 2008, as dismissed an appeal from an order of the Supreme Court, Nassau County, entered November 14, 2008, pursuant to 22 NYCRR 670.8(e) for failure to timely perfect the same, to reinstate the appeal, to enlarge the time to perfect the appeal, to stay his eviction, to vacate a certain "10 day notice to quit," 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 so much of the decision and order on motion of this court dated September 2, 2008, as dismissed the appeal from the order entered November 14, 2008, and to reinstate the appeal, are denied; and it is further,

ORDERED that the branches of the motion which are to enlarge the time to perfect the appeal, to stay the appellant's eviction, to vacate a certain "10 day notice to quit," and for poor person relief are denied as academic.

SPOLZINO, J.P., FLORIO, McCARTHY and DICKERSON, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

October 23, 2008

FIRST FRANKLIN FINANCIAL CORP. v TAYLOR