

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

M77641
E/cb

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

2007-11302

DECISION & ORDER ON MOTION

Barbara Balaber-Strauss, etc., plaintiff,
Loronda Murphy, etc., appellant, v McCullough
Goldberger & Staudt, LLP, et al., respondents.

(Index No. 07-2795)

Motion by Robert D'Alvia, Esq., the attorney for the appellant, for leave to withdraw as counsel on an appeal from an order of the Supreme Court, Westchester County, dated October 29, 2007, 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 branch of the motion which is for leave to withdraw as counsel is granted, and Robert D'Alvia, Esq., is relieved from representing the appellant with respect to the instant appeal; and it is further,

ORDERED that on or before November 17, 2008, Robert D'Alvia, Esq., is directed to serve his client by one of the methods specified in CPLR 2103(c), with a copy of this decision and order on motion and shall file proof of such service with the Clerk of this court; and it is further,

ORDERED that no further proceedings shall be taken against the appellant, without leave of the court, until the expiration of 30 days after service upon the appellant of a copy of this decision and order on motion; and it is further,

ORDERED that the branch of the motion which is to enlarge the time to perfect the appeal granted to the extent that the appellant's time to perfect the appeal is enlarged until January

October 27, 2008

Page 1.

BALABER-STRAUSS v McCULLOUGH GOLDBERGER & STAUDT, LLP

20, 2009, and the record or appendix on the appeal and the appellant's brief must be served and filed on or before that date and that branch of the motion is otherwise denied; and it is further,

ORDERED that no further enlargement of time shall be granted.

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

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court