

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

M77698
S/sl

A. GAIL PRUDENTI, P.J.
WILLIAM F. MASTRO
STEVEN W. FISHER
MARK C. DILLON, JJ.

2008-04166

DECISION & ORDER ON APPLICATION

DLS Excavating, Inc., respondent,
v Brite Ideas, LLC, appellant.

(Index No. 06-0357)

Application by the appellant pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to perfect an appeal from a judgment of the Supreme Court, Orange County, dated May 16, 2008.

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

ORDERED that the appellant's notice of appeal from a decision of the same court dated March 31, 2008, is deemed to be a premature notice of appeal from the judgment (*see* CPLR 5520[c]); and it is further,

ORDERED that the application is granted and the appellant's time to perfect the appeal is enlarged until December 29, 2008, and the record or appendix on the appeal and the appellant's brief must be served and filed on or before that date.

PRUDENTI, P.J., MASTRO, FISHER and DILLON, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

October 28, 2008

DLS EXCAVATING, INC. v BRITE IDEAS, LLC