

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

M77942  
E/sl

ROBERT A. SPOLZINO, J.P.  
EDWARD D. CARNI  
THOMAS A. DICKERSON  
RANDALL T. ENG, JJ.

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2007-06529

DECISION & ORDER ON MOTION

Elvia Drew, appellant,  
v Peter Zambaras, etc., respondent.

(Index No. 27/04)

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Motion by the appellant to recall and vacate so much of a decision and order on motion of this court dated September 5, 2008, as dismissed an appeal from a judgment of the Supreme Court, Nassau County, entered May 1, 2007, on the ground that the appellant's appendix was inadequate and contained matter de hors the record, to reinstate the appeal, 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 motion is denied.

SPOLZINO, J.P., CARNI, DICKERSON and ENG, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

October 31, 2008

DREW v ZAMBARAS