

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

M78029
S/sl

ROBERT A. SPOLZINO, J.P.
DAVID S. RITTER
FRED T. SANTUCCI
EDWARD D. CARNI, JJ.

2007-10455

DECISION & ORDER ON MOTION

Beneficial Homeowner Service Corporation,
respondent, v Poucher Girault, appellant,
et al., defendants.

(Index No. 06-10139)

On the court's own motion, it is

ORDERED that its decision and order on motion dated September 15, 2008, in the above-entitled case is recalled and vacated, and the following decision and order on motion is substituted therefor:

Motion by the appellant pro se on an appeal from an order of the Supreme Court, Orange County, dated October 16, 2007, to waive the requirements of 22 NYCRR 670.10.2(f) regarding certification of the record on appeal, and, in effect, to waive the filing fee.

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

ORDERED that the branch of the motion which is to waive the requirements of 22 NYCRR 670.10.2(f) regarding certification of the record on appeal is granted on condition that on or before *November 28, 2008*, the appellant serve and file a supplemental record containing the summons and complaint, the referee's answer, the signed order to show cause dated August 27, 2007, and the signed affidavit of Poucher Girault dated November 13, 2007; and it is further,

ORDERED that the branch of the motion which is, in effect, to waive the filing fee is denied as academic as the appellant has paid the filing fee; and it is further,

November 3, 2008

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ORDERED that the respondent shall serve and file its brief on or before January 5, 2009.

SPOLZINO, J.P., RITTER, SANTUCCI and CARNI, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive style with a large, sweeping initial "J".

James Edward Pelzer
Clerk of the Court