

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

M78058  
E/sl

ANITA R. FLORIO, J.P.  
HOWARD MILLER  
EDWARD D. CARNI  
ARIEL E. BELEN, JJ.

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2008-00256

DECISION & ORDER ON MOTION

In the Matter of Eagle Valley Corp., appellant,  
v Thomas F. Bollatto, Jr., etc., respondent.

(Index No. 06-9658)

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Motion by the respondent to dismiss an appeal from a judgment of the Supreme Court, Rockland County, dated November 14, 2007, on the ground that it has been rendered academic or, in the alternative, to enlarge the time to serve and file a brief.


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 to dismiss the appeal is held in abeyance and referred to the panel of Justices hearing the appeal for determination upon the argument or submission thereof; and it is further,

ORDERED that the branch of the motion which is to enlarge the respondent's time to serve and file a brief is granted, the respondent's time to serve and file a brief is enlarged until December 1, 2008, and the respondent's brief must be served and filed on or before that date.

FLORIO, J.P., MILLER, CARNI and BELEN, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

November 3, 2008

MATTER OF EAGLE VALLEY CORP. v BOLLATTO