

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

M78113  
E/sl

ANITA R. FLORIO, J.P.  
HOWARD MILLER  
EDWARD D. CARNI  
RANDALL T. ENG, JJ.

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2007-05573

DECISION & ORDER ON MOTION

In the Matter of Guy McEachin, appellant,  
v Donald Selsky, etc., respondent.

(Index No. 434/07)

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Motion by the appellant to recall and vacate so much of a decision and order on motion of this court, entitled "In the Matter of the Dismissal of Causes for Failure to Perfect - February 2008 Calendar", dated March 4, 2008, as dismissed an appeal from an order of the Supreme Court, Dutchess County, dated April 13, 2007, pursuant to 22 NYCRR 670.8(e) for failure to timely perfect, to reinstate the appeal, and to enlarge the time to perfect the appeal.

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

ORDERED that the motion is denied.

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

ENTER:

  
James Edward Pelzer  
Clerk of the Court

November 7, 2008

MATTER OF McEACHIN v SELSKY