

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

M78176
E/sl

PETER B. SKELOS, J.P.
ROBERT A. LIFSON
FRED T. SANTUCCI
EDWARD D. CARNI, JJ.

2007-11532

DECISION & ORDER ON MOTION

Robert E. Judge, appellant,
v New York College of Professional Health,
respondent.

(Index No. 20901/06)

Motion by the appellant to recall and vacate a decision and order on motion of this court dated September 10, 2008, which dismissed an appeal from an order of the Supreme Court, Nassau County, dated June 18, 2007, pursuant to 22 NYCRR 670.8(e) for failure to timely perfect the same, to reinstate the appeal, and to enlarge the time to perfect the appeal.

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

ORDERED that the motion is denied.

SKELOS, J.P., LIFSON, SANTUCCI and CARNI, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

November 6, 2008

JUDGE v NEW YORK COLLEGE OF PROFESSIONAL HEALTH