

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

M78596
E/sl

ROBERT A. LIFSON, J.P.
ANITA R. FLORIO
DANIEL D. ANGIOLILLO
ARIEL E. BELEN, JJ.

2007-02208

DECISION & ORDER ON MOTION

In the Matter of Farida Alle, deceased.
Abdul Khondoker, appellant;
Eleanora Berry, respondent.

(File No. 5132/01)

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 - October 2007 Calendar," dated November 5, 2007, as dismissed an appeal from a decree of the Surrogate's Court, Kings County, dated October 17, 2006, 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.

LIFSON, J.P., FLORIO, ANGIOLILLO and BELEN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

November 19, 2008

MATTER OF ALLE, DECEASED