

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

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E/sl

HOWARD MILLER, J.P.
THOMAS A. DICKERSON
JOHN M. LEVENTHAL
ARIEL E. BELEN, JJ.

2008-02575

DECISION & ORDER ON MOTION

Teresa Vogelgesang, respondent,
v Arthur Vogelgesang, appellant.

(Index No. 750/05)

Motion by the respondent, inter alia, to dismiss an appeal from an order of the Supreme Court, Queens County, dated February 6, 2008, on the ground, among others, that no appeal lies from an order denying resettlement, or 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 on the ground that no appeal lies from an order denying resettlement is denied without prejudice to raising the issue in the respondent's brief; and it is further,

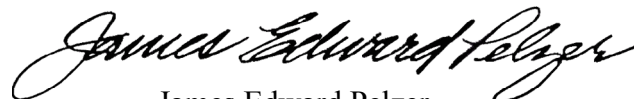
ORDERED that the branch of the motion which is to enlarge the time to serve and file a brief is granted, the respondent's time to serve and file a brief is enlarged until December 10, 2008, and the respondent's brief must be served and filed on or before that date; and it is further,

ORDERED that no further enlargement of time shall be granted; and it is further,

ORDERED that the motion is otherwise denied.

MILLER, J.P., DICKERSON, LEVENTHAL and BELEN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

November 19, 2008

VOGELGESANG v VOGELGESANG