

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

M78660  
E/sl

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

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2005-05453

DECISION & ORDER ON MOTION

Christopher Rocha-Silva, et al., appellants,  
v St. John's Hospital, et al., respondents.

(Index No. 5582/97)

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Motion by the respondent St. John's Hospital to dismiss an appeal from an order of the Supreme Court, Queens County, dated May 16, 2005, as against it on the ground that the appellants failed to file a proof of claim in Bankruptcy Court. Application by the respondent St. John's Hospital pursuant to 22 NYCRR 670.8(d)(2) 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, and upon the application, it is

ORDERED that the motion 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 application is granted and St. John's Hospital's time to serve and file a brief is enlarged until December 2, 2008, and St. John's Hospital's brief must be served and filed on or before that date.

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

ENTER:

  
James Edward Pelzer  
Clerk of the Court

November 19, 2008

ROCHA-SILVA v ST. JOHN'S HOSPITAL