

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

M78663  
E/sl

REINALDO E. RIVERA, J.P.  
MARK C. DILLON  
JOSEPH COVELLO  
WILLIAM E. McCARTHY, JJ.

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2007-09576

DECISION & ORDER ON MOTION

Bank of America, N.A. (USA), respondent,  
v Baijnath Agiwal, appellant.

(Index No. 2115/06)

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Motion by the respondent to dismiss an appeal from an order of the Supreme Court, Queens County, dated September 7, 2007, on the ground that the appeal is without merit 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 or thereto, it is

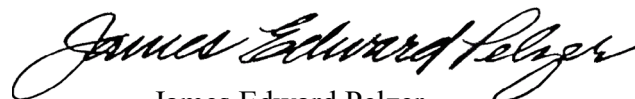
ORDERED that the branch of the motion which is to dismiss the appeal is denied without prejudice to raising the issue in the brief; and it is further,

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 18, 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.

RIVERA, J.P., DILLON, COVELLO and McCARTHY, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

November 19, 2008

BANK OF AMERICA, N.A. (USA) v AGIWAL