

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

M78674
S/cb

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

2008-05214

DECISION & ORDER ON MOTION

Cynthia Hoogland, etc., et al., plaintiffs-appellants-respondents, v Transport Expressway, Inc., et al., respondents-appellants, Finloc 2000, Inc., defendant-appellant-respondent, Walmart Stores East, Inc., et al., respondents (and a third-party action).
(Action No. 1)

Denise Malkin, plaintiff, v Transport Expressway, Inc., et al., respondents-appellants, Finloc 2000, Inc., appellant-respondent, Walmart Stores East, Inc., et al., respondents.
(Action No. 2)

(Index Nos. 8741/04, 50/05)

Motion by Fiducie Location Pinard on appeals and cross appeals from an order of the Supreme Court, Orange County, dated April 18, 2008, to enlarge the time to perfect its appeal. Separate motion by Transport Expressway, Inc., 3145221 Canada, Inc., and Sebastien Tremblay to enlarge the time to perfect their appeal. Application by Cynthia Hoogland, as administrator of the estate of Peter Malkin, and Cynthia Hoogland, as guardian ad litem of Alexandra Malkin, pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to perfect their appeal.

Upon the papers filed in support of the motions and the papers filed in opposition thereto, and upon the application, it is

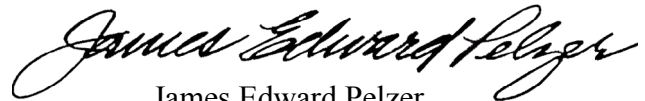
ORDERED that the motions and applications are granted to the extent that the time to perfect the appeal of Cynthia Hoogland, as administrator of the estate of Peter Malkin, and Cynthia

Hoogland, as guardian ad litem of Alexandra Malkin, and the appeal of Finloc 2000, Inc., is enlarged until January 27, 2009, and the joint record or appendix on the appeal and those parties' briefs must be served and filed on or before that date, and the motions and application are otherwise denied; and it is further,

ORDERED that Fiducie Location Pinard and Transport Expressway, Inc., 3145221 Canada, Inc., and Sebastien Tremblay shall serve and file their answering briefs, including their points of argument on the cross appeals in accordance with the rules of the court (*see* 22 NYCRR 670.8[c][3]).

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

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive style with a large, looping initial "J".

James Edward Pelzer
Clerk of the Court