

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

M78881
E/sl

ROBERT A. SPOLZINO, J.P.
STEVEN W. FISHER
MARK C. DILLON
THOMAS A. DICKERSON, JJ.

2007-07551

DECISION & ORDER ON MOTION

Richard Bisso, plaintiff, v Zwiebach, Inc.,
d/b/a RGS X Ray, etc., et al., respondents;
Robert Oziel, nonparty-appellant; Hubell &
Associates, LLC, nonparty-respondent.

(Index No. 5426/93)

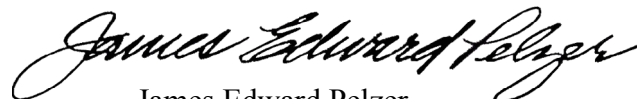
Motion by the nonparty-appellant to recall and vacate a decision and order on motion of this court dated July 29, 2008, which dismissed an appeal from an order of the Supreme Court, Nassau County, entered July 13, 2007, pursuant to 22 NYCRR 670.8(e) for failure to timely perfect, to reinstate the appeal, 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.

SPOLZINO, J.P., FISHER, DILLON and DICKERSON, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

November 24, 2008

BISSO v ZWIEBACH, INC., d/b/a RGS X RAY