

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

M79064
E/sl

REINALDO E. RIVERA, J.P.
DANIEL D. ANGIOLILLO
EDWARD D. CARNI
RANDALL T. ENG, JJ.

2008-04798

DECISION & ORDER ON MOTION

Gerard DeToia, appellant, v Yellow
Transportation, Inc., et al., respondents.

(Index No. 14311/05)

Motion by the appellant for leave to prosecute an appeal from a judgment of the Supreme Court, Nassau County, entered March 28, 2008, on the original papers, to waive the filing fees, and to enlarge the time to perfect the appeal.

Upon the papers filed in support of the motion and the papers filed in opposition or relation thereto, it is

ORDERED that the branch of the motion which is for leave to prosecute the appeal on the original papers is granted, and the appeal will be heard on the original papers (including the transcript of the proceedings, if any) and on the briefs of the parties, who are directed to file nine copies of their respective briefs and to serve one copy on each other; and it is further,

ORDERED that the branch of the motion which is to waive payment of the filing fee is denied; and it is further,

ORDERED that the branch of the motion which is to enlarge the time to perfect the appeal is granted, and the appellant's time to perfect the appeal by causing the original papers constituting the record on the appeal to be filed in the office of the Clerk of this court (*see* 22 NYCRR 670.9[d][2]) and by serving and filing his brief on the appeal is enlarged until February 6, 2009.

RIVERA, J.P., ANGIOLILLO, CARNI and ENG, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

November 26, 2008

DeTOIA v YELLOW TRANSPORTATION, INC.