

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

M79162
E/sl

WILLIAM F. MASTRO, J.P.
HOWARD MILLER
RUTH C. BALKIN
WILLIAM E. McCARTHY, JJ.

2008-01686

DECISION & ORDER ON MOTION

Thomas McGlynn, respondent,
v Columbia Presbyterian Medical Center,
et al., appellants.

(Index No. 12179/05)

Motion by Atlas & Marantz, LLP, the attorneys for the appellant Oxford Construction & Development Corp., for leave to withdraw as counsel on an appeal from an order of the Supreme Court, Kings County, dated December 20, 2007.

Upon the papers filed in support of the motion and no papers having been filed in relation or opposition thereto, it is

ORDERED that the motion is granted, and Atlas & Marantz, LLP, is relieved from representing the appellant Oxford Construction & Development Corp. with respect to the instant appeal; and it is further,

ORDERED that on or before December 16, 2008, Atlas & Marantz, LLP, is directed to serve its client by one of the methods specified in CPLR 2103(c), with a copy of this decision and order on motion and shall file proof of such service with the Clerk of this court; and it is further,

ORDERED that no further proceedings shall be taken against the appellant Oxford Construction & Development Corp., without leave of the court, until the expiration of 30 days after service upon it of a copy of this decision and order on motion; and it is further,

ORDERED that the time of the appellant Oxford Construction & Development Corp. to perfect the appeal is enlarged until January 30, 2009, and the record or appendix on the appeal and the appellant's brief must be served and filed on or before that date; and it is further,

December 2, 2008

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ORDERED that no further enlargements of time shall be granted; and it is further,

ORDERED that on the court's own motion, the appeal of the appellant Columbia Presbyterian Medical Center is dismissed, without costs or disbursements, for failure to timely perfect the same in accordance with the rules of this court (*see* 22 NYCRR 670.8[e]).

MASTRO, J.P., MILLER, BALKIN and McCARTHY, JJ., concur.

ENTER:

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

James Edward Pelzer
Clerk of the Court