

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

M79388  
E/sl

PETER B. SKELOS, J.P.  
FRED T. SANTUCCI  
WILLIAM E. McCARTHY  
THOMAS A. DICKERSON, JJ.

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2008-01177

DECISION & ORDER ON MOTION

Kevin Ashby, appellant,  
v Thomas Amodeo, et al., respondents.

(Index No. 02-3298)

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Motion by the appellant on an appeal from a judgment of the Supreme Court, Orange County, entered May 31, 2007, for leave to perfect the appeal without the trial transcript and to waive the requirements of 22 NYCRR 670.10.2(f) regarding certification of the record on appeal.

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

ORDERED that the branch of the motion which is for leave to perfect the appeal without the trial transcript is denied; and it is further,


ORDERED that the appellant's time to perfect the appeal is enlarged until February 2, 2009, and the transcript must be settled and the record or appendix on the appeal containing, among other things, the transcript, and the appellant'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; and it is further,

ORDERED that the branch of the motion which is to waive the requirements of 22 NYCRR 670.10.2(f) regarding certification of the record on appeal is denied with leave to renew when the appeal is perfected.

SKELOS, J.P., SANTUCCI, McCARTHY and DICKERSON, JJ., concur.

ENTER:

  
James Edward Pelzer

December 4, 2008

ASHBY v AMODEO

Clerk of the Court

December 4, 2008

ASHBY v AMODEO