

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

M79389  
E/sl

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

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2008-01844

DECISION & ORDER ON MOTION

Richard T. Vitarelle, Sr., appellant,  
v Eileen Vitarelle, et al., respondents.

(Index No. 13361-04)

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Motion by the respondents for (1) leave to reargue their motion to dismiss an appeal from a judgment of the Supreme Court, Suffolk County, dated December 5, 2006, on the ground that it was untimely taken, or (2) to dismiss the appeal for failure to timely perfect.

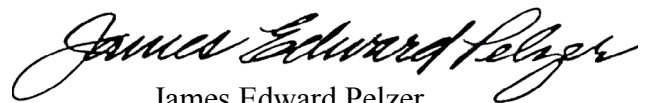
Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the motion is denied; and it is further,

ORDERED that the respondents' time to serve and file a brief is enlarged until January 5, 2009, and the respondents' brief must be served and filed on or before that date.

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

ENTER:



James Edward Pelzer  
Clerk of the Court

December 4, 2008

VITARELLE v VITARELLE