

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

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S/sl

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2008-05724

ORDER ON APPLICATION

James Erwin, respondent,  
v Farrell Building Company, Inc., et al.,  
appellants-respondents, McLoughlin  
Construction Corp., respondent-appellant.

(Index No. 20413-06)

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Joint application by the appellants-respondents and the respondent-appellant pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to perfect an appeal and cross appeal from an order of the Supreme Court, Suffolk County, dated May 20, 2008.

ORDERED that the application is granted; and it is further,

ORDERED that the appellants-respondents' time to perfect the appeal is enlarged until February 24, 2009, and the joint record or appendix on appeal (*see* 22 NYCRR 670.8[c][1]) and the appellants-respondents' brief must be served and filed on or before that date; and it is further,

ORDERED that the respondent-appellant shall serve and file its answering brief, including its points of argument on the cross appeal, in accordance with the rules of this court (*see* 22 NYCRR 670.8[c][3]).

ENTER:

  
James Edward Pelzer  
Clerk of the Court

December 11, 2008

ERWIN v FARRELL BUILDING COMPANY, INC.