

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

M79749
S/sl

2008-03323

ORDER ON APPLICATION

Noel Smith, plaintiff, v Merrill Lynch &
Co., Inc., defendant, Fitzgerald & Fitzgerald,
P.C., defendant third-party plaintiff-appellant;
County of Nassau, third-party defendant-respondent,
et al., third-party defendants.

(Index No. 9299/04)

Application by the defendant third-party plaintiff-appellant pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to perfect an appeal from an order of the Supreme Court, Nassau County, dated March 3, 2008.

ORDERED that the application is granted and the appellant's time to perfect the appeal is enlarged until February 6, 2009, and the record or appendix on the appeal and the appellant's brief must be served and filed on or before that date.

ENTER:



James Edward Pelzer
Clerk of the Court

December 11, 2008

SMITH v MERRILL LYNCH & CO., INC.