

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

M80299  
S/sl

REINALDO E. RIVERA, J.P.  
FRED T. SANTUCCI  
EDWARD D. CARNI  
THOMAS A. DICKERSON, JJ.

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2008-01943

DECISION & ORDER ON APPLICATION

Incorporated Village of Bayville, respondent-appellant,  
v John Viteritti, et al., appellants-respondents,  
Michael Falzarano, et al., respondents.

(Index No. 239/05)

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Application by the respondent-appellant pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to perfect a cross appeal from an order of the Supreme Court, Nassau County, dated January 29, 2008.


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

ORDERED that the appeal by the appellants-respondents is dismissed, without costs or disbursements, for failure to timely perfect in accordance with the rules and prior order of this court (*see* 22 NYCRR 670.8[e]); and it is further,

ORDERED that the application is granted, the respondent-appellant's time to perfect its appeal is enlarged until January 26, 2009, and the record or appendix on appeal (*see* 22 NYCRR 670.8[c][1]) and the respondent-appellant's brief must be served and filed on or before that date.

RIVERA, J.P., SANTUCCI, CARNI and DICKERSON, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

December 24, 2008

INCORPORATED VILLAGE OF BAYVILLE v VITERITTI