

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

M80302
S/sl

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

2008-02718

DECISION & ORDER ON APPLICATION

Christopher Rivas, et al., respondents-appellants,
v Robert Danza, et al., appellants, Cruciatia &
Sons, LLC, et al., respondents.

(Index No. 11822/03)

Application by the respondents-appellants pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to perfect an appeal from an order of the Supreme Court, Richmond County, dated February 7, 2008.

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

ORDERED that the appeal by the appellants Robert Danza and Steven Fleissg, a/k/a Steven Flessig, 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 and the respondents-appellants' time to perfect the appeal is enlarged until January 19, 2009, and the record or appendix on the appeal and the respondents-appellants' 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

RIVAS v DANZA