

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

M80381  
E/sl

WILLIAM F. MASTRO, J.P.  
ANITA R. FLORIO  
RUTH C. BALKIN  
THOMAS A. DICKERSON, JJ.

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2008-03048

DECISION & ORDER ON MOTION

Hampton Valley Farm, Inc., et al., plaintiffs,  
Rose Ann Shearin, appellant, v Flower &  
Medalie, etc., et al., respondents.

(Index No. 22426-92)

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Motion by the respondents to dismiss an appeal from an order of the Supreme Court, Suffolk County, dated January 17, 2008, on the ground that the notice of appeal was not properly served in accordance with CPLR 2103(f)(1). Application by the appellant pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to perfect the appeal.

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


ORDERED that on the court's own motion, the appellant's time to properly serve the notice of appeal, which was timely filed, is extended until January 12, 2009 (*see* CPLR 2103, 5520[a]); and it is further,

ORDERED that the motion is denied with leave to renew in the event that the appellant does not timely serve the notice of appeal, in accordance with this order; and it is further,

ORDERED that the application is granted and the appellant's time to perfect the appeal is enlarged until January 28, 2009, and the record or appendix on the appeal and the appellant's brief must be served and filed on or before that date.

MASTRO, J.P., FLORIO, BALKIN and DICKERSON, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

December 24, 2008

HAMPTON VALLEY FARM, INC. v FLOWER & MEDALIE