

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

M80639  
E/sl

REINALDO E. RIVERA, J.P.  
EDWARD D. CARNI  
RANDALL T. ENG  
JOHN M. LEVENTHAL, JJ.

---

2007-09576, 2008-02531, 2008-09871,  
2008-10842

DECISION & ORDER ON MOTION

Bank of America, N.A. (USA), respondent,  
v Baijnath Agiwal, appellant.

(Docket No. 2115/06)

---

Motion by the appellant pro se to stay all proceedings in the above-entitled action pending hearing and determination of appeals from four orders of the Supreme Court, Queens County, entered September 14, 2007, February 7, 2008, September 12, 2008, and November 25, 2008, respectively, and, in effect, to waive the filing fee with respect to the appeal from the order entered September 14, 2007. Separate motion by the appellant pro se for leave to prosecute the appeals from the orders entered February 7, 2008, September 12, 2008, and November 25, 2008, as a poor person, to enlarge the time to perfect those appeals, and to consolidate those appeals.

Upon the papers filed in support of the motions, the papers filed in opposition to the motion, inter alia, for a stay, and no papers having been filed in opposition or in relation to the motion, inter alia, for leave to prosecute the appeals from the orders entered February 7, 2008, September 12, 2008, and November 25, 2008, on the original papers and to waive the filing fee, it is

ORDERED that the branch of the motion which is to stay all proceedings in the above-entitled action is denied; and it is further,

ORDERED that the branch of the motion which is, in effect, to waive the filing fee

January 2, 2009

BANK OF AMERICA, N.A. (USA) v AGIWAL

Page 1.

with respect to the appeal from the order entered September 14, 2007, is denied as the filing fee was paid; and it is further,

ORDERED that the branches of the motion which are for leave to prosecute the appeals from the orders entered February 7, 2008, September 12, 2008, and November 25, 2008, on the original papers are granted, and the appeals will be heard on the original papers (including the transcript of the proceedings, if any) and on the briefs of the parties, who are directed to file nine copies of their respective briefs and to serve one copy on each other; and it is further,

ORDERED that the branches of the motions which are to waive the filing fee are denied; and it is further,

ORDERED that the branch of the motion which is to enlarge the time to perfect the appeal from the order entered February 7, 2008, is granted, and the appellant's time to perfect the appeal by causing the original papers constituting the record on the appeal to be filed in the office of the Clerk of this court (*see* 22 NYCRR 670.9[d][2]) and by serving and filing a brief on the appeal is enlarged until March 2, 2008; and it is further,

ORDERED that no further enlargement of time shall be granted; and it is further,

ORDERED that the branches of the motion which are to enlarge the time to perfect the appeals from the orders entered September 12, 2008, and November 25, 2008, are denied as premature; and it is further,

ORDERED that the branch of the motion which is to consolidate the appeals from the orders entered February 7, 2008, September 12, 2008, and November 25, 2008, is denied as unnecessary as the appeals may be consolidated as of right (*see* 22 NYCRR 670.7[c][1]).

RIVERA, J.P., CARNI, ENG and LEVENTHAL, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court