

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

M80647
S/sl

A. GAIL PRUDENTI, P.J.
WILLIAM F. MASTRO
REINALDO E. RIVERA
ROBERT A. SPOLZINO
PETER B. SKELOS, JJ.

2008-07337

DECISION & ORDER ON APPLICATION

Congregation Atzei Chiam, respondent,
v 26 Adar N.B. Corp., et al., appellants, et al.,
defendant.

(Index No. 47047/96)

Application by the appellants pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to perfect an appeal from an interlocutory judgment of the Supreme Court, Kings County, entered September 17, 2008.

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

ORDERED that the appellants' notice of appeal from a decision of the same court dated July 6, 2008, is deemed to be a premature notice of appeal from the interlocutory judgment entered September 17, 2008 (*see* CPLR 5520[c]); and it is further,

ORDERED that the application is granted and the appellants' time to perfect the appeal is enlarged until April 2, 2009, and the record or appendix on the appeal and the appellants' brief must be served and filed on or before that date.

PRUDENTI, P.J., MASTRO, RIVERA, SPOLZINO and SKELOS, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

January 5, 2009

CONGREGATION ATZEI CHIAM v 26 ADAR N.B. CORP.