

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

M86229
E/cb

PETER B. SKELOS, J.P.
STEVEN W. FISHER
ARIEL E. BELEN
PLUMMER E. LOTT, JJ.

2008-08565

DECISION & ORDER ON MOTION

Angelo Deliso, appellant-respondent,
v State of New York, respondent-appellant.

(Claim No. 112522)

Motion by Betancourt, Van Hemmen, Greco & Kenyon, LLC, the attorneys for the respondent-appellant, for leave to withdraw as counsel on an appeal and cross-appeal from an order of the Court of Claims, dated July 17, 2008. Separate applications by the appellant-respondent and respondent-appellant to enlarge the time to perfect the appeal and cross appeal.

Upon the papers filed in support of the motion and no papers having been filed in relation or opposition thereto, and upon the applications, it is

ORDERED that the motion is granted, and Betancourt, Van Hemmen, Greco & Kenyon, LLC, is relieved from representing the respondent-appellant with respect to the instant appeal and cross-appeal; and it is further,

ORDERED that on or before May 20, 2009, Betancourt, Van Hemmen, Greco & Kenyon, LLC, is directed to serve its client by one of the methods specified in CPLR 2103(c), with a copy of this decision and order on motion and shall file proof of such service with the Clerk of this court; and it is further,

ORDERED that no further proceedings shall be taken against the respondent-appellant, without leave of the court, until the expiration of 30 days after service upon it of a copy of this decision and order on motion; and it is further,

ORDERED that the application and cross application are granted; and it is further,

May 7, 2009

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ORDERED that the appellant-respondent's time to perfect the appeal is enlarged until June 19, 2009, and the joint record or appendix on appeal (*see* 22 NYCRR 670.8[c][1]) and the appellant-respondent's brief must be served and filed on or before that date; and it is further,

ORDERED that the respondent-appellant shall serve and file its answering brief, including its points of argument on the cross appeal, in accordance with the rules of the court (*see* 22 NYCRR 670.8[c][3]).

SKELOS, J.P., FISHER, BELEN and LOTT, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court