

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

M86319
E/cb

WILLIAM F. MASTRO, J.P.
REINALDO E. RIVERA
THOMAS A. DICKERSON
PLUMMER E. LOTT, JJ.

2008-09279

DECISION & ORDER ON MOTION

Dana Foster, appellant,
v State of New York, respondent.

(Motion No. M-75479)

Motion by the appellant for leave to prosecute an appeal from an order of the Court of Claims, dated September 17, 2008, as a poor person, and for the assignment of counsel. Application by the appellant pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to perfect the appeal.

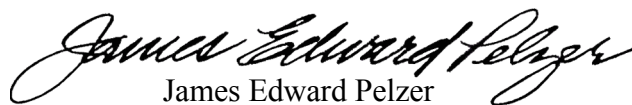
Upon the papers filed in support of the motion and no papers having been filed in opposition or in relation thereto, and upon the application, it is

ORDERED that the motion is denied; and it is further,

ORDERED that the application is granted and the appellant's time to perfect the appeal is enlarged until August 24, 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., RIVERA, DICKERSON and LOTT, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

May 8, 2009

FOSTER v STATE OF NEW YORK