

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

M86501

E/cb

ROBERT A. SPOLZINO, J.P.
DANIEL D. ANGIOLILLO
JOHN M. LEVENTHAL
PLUMMER E. LOTT, JJ.

2008-10014, 2009-01722, 2009-01723
2009-01724

DECISION & ORDER ON MOTION

Burgers Bar Five Towns, LLC, respondent,
v Burger Holdings Corp., etc., et al., appellants.

(Index No. 600057/08)

Motion by the appellants to enlarge the time to perfect appeals from two orders of the Supreme Court, Nassau County, dated September 17, 2008, and November 25, 2008, respectively, an amended order of the same court dated November 20, 2008, and a judgment of the same court entered February 18, 2009, and to enlarge the record to include an affirmation of Eldad Ella dated June 27, 2008, and a letter from Justice Stephen A. Bucaria of the Supreme Court, Nassau County, dated August 21, 2008.

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

ORDERED that the branch of the motion which is to enlarge the record is granted; and it is further,

ORDERED that the branch of the motion which is to enlarge the appellants' time to perfect the appeal from the order dated September 17, 2008 (Appellate Division Docket No. 2008-10014) is enlarged until June 19, 2009, and the record or appendix on that appeal and the appellants' brief must be served and filed on or before that date; and it is further,

ORDERED that the branch of the motion which is enlarge the appellants' time to perfect the appeals from the order dated November 25, 2008, the amended order dated November 20, 2008, and the judgment entered February 18, 2009, is denied as premature.

SPOLZINO, J.P., ANGIOLILLO, LEVENTHAL and LOTT, JJ., concur.

ENTER



James Edward Pelzer
Clerk of the Court

May 12, 2009

BURGERS BAR FIVE TOWNS, LLC v BURGER HOLDINGS CORP.