

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

M86706  
E/cb

REINALDO E. RIVERA, J.P.  
HOWARD MILLER  
RUTH C. BALKIN  
LEONARD B. AUSTIN, JJ.

---

2008-11402, 2009-03136

DECISION & ORDER ON

MOTION

Nationwide Insurance Company, etc., et al.,  
respondents, v New York Lighter Company,  
appellant, et al., defendant (and a third-party  
action).

(Index No. 1739/02)

---

Motion by the appellant on consolidated appeals from two orders of the Supreme Court, Dutchess County, dated July 28, 2008, and November 25, 2008, respectively, to extend the time to file a notice of appeal from the order dated July 28, 2008, which notice of appeal was timely served.

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

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

ORDERED that on or before May 29, 2009, the appellant shall file the notice of appeal from the order dated July 28, 2008 (Appellate Division Docket No. 2009-03136), with the clerk of the Supreme Court, Dutchess County (*see* CPLR 5520[a]); and it is further,

ORDERED that the record on appeal and the appellant's brief filed in connection with the appeal from the order dated November 25, 2008 (Appellate Division Docket No. 2008-11402), is deemed also to be the record on appeal and the appellant's brief with respect the appeal from the order dated July 28, 2008 (Appellate Division Docket No. 2009-03136); and it is further,

May 15, 2009

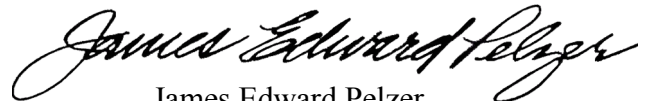
Page 1.

NATIONWIDE INSURANCE COMPANY v NEW YORK LIGHTER COMPANY

ORDERED that the respondents' time to serve and file a brief is enlarged until June 15, 2009, and the respondents' brief must be served and filed on or before that date.

RIVERA, J.P., MILLER, BALKIN and AUSTIN, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive style with a large initial "J" and "P".

James Edward Pelzer  
Clerk of the Court