

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

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E/cb

STEVEN W. FISHER, J.P.
MARK C. DILLON
JOSEPH COVELLO
RUTH C. BALKIN, JJ.

2008-08876

DECISION & ORDER ON MOTION

Delta Financial Corporation, etc., plaintiff,
v James E. Morrison, et al., defendants;
Christopher Byrne, nonparty-appellant.
(Action No. 1)

Delta Funding Residential Exchange Company,
LLC, et al., plaintiffs, v Delta Financial
Corporation, et al., defendants; Christopher
Byrne, nonparty-appellant.
(Action No. 2)

(Index Nos. 11118/03, 3084/04)

Motion by the nonparty-appellant on an appeal from an order of the Supreme Court, Nassau County, dated August 12, 2008, to waive the requirements of 22 NYCRR 670.10.2(f) regarding certification of the nonparty-appellant's appendix.

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 denied; and it is further,

ORDERED that on the court's own motion, the original papers filed with this court are unsealed only for the purpose of allowing the nonparty-appellant's attorney to review the papers in order to file a certificate pursuant to CPLR 2105, and the nonparty-appellant's attorney shall file the certificate on or before June 17, 2009.

FISHER, J.P., DILLON, COVELLO and BALKIN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

May 18, 2009

DELTA FINANCIAL CORPORATION v MORRISON