

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

M87020
S/sl

REINALDO E. RIVERA, J.P.
MARK C. DILLON
ARIEL E. BELEN
L. PRISCILLA HALL, JJ.

2009-01695

DECISION & ORDER ON MOTION

Nathan Leifer, appellant,
v Elsie Ward, respondent.

(Index No. 33928/04)

Motion by the respondent to dismiss an appeal from an order of the Supreme Court, Kings County, dated December 9, 2008, on the ground that the appeal lacks merit, or for a preference in the calendaring of the appeal and for an expedited briefing schedule.

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 dismiss the appeal is denied; and it is further,

ORDERED that the branch of the motion which is for a preference in the calendaring of the appeal is granted, and the appeal shall be calendared expeditiously after all the briefs have been filed; and it is further,

ORDERED that the branch of the motion which is for an expedited briefing schedule is granted, and the appellant shall perfect the appeal by filing the record or appendix on the appeal and the appellant's brief on or before June 26, 2009; and it is further,

ORDERED that no enlargement of time shall be granted; and it is further,

ORDERED that the respondent's brief must be served and filed on or before July 31, 2009; and the reply brief, if any, must be served and filed on or before August 14, 2009.

RIVERA, J.P., DILLON, BELEN and HALL, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

May 21, 2009

LEIFER v WARD