

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

M87239
E/cb

STEVEN W. FISHER, J.P.
HOWARD MILLER
JOHN M. LEVENTHAL
PLUMMER E. LOTT, JJ.

2008-06647, 2008-06662, 2008-10393

DECISION & ORDER ON MOTION

In the Matter of Gent Uniform Rental Corp.,
appellant, v County of Suffolk Department
of Labor, respondent.
(Appeal Nos. 1 and 2)

In the Matter of Gent Uniform Rental Corp.,
appellant, v County of Suffolk, et al., respondents.
(Appeal No. 3)

(Index Nos. 27496-06, 19017-07)

Motion by the appellant to consolidate appeals from a judgment of the Supreme Court, Suffolk County, dated June 11, 2008, and two orders of the same court dated June 12, 2008, and June 25, 2008, respectively, to enlarge the time to perfect the appeals, and to deem the notice of appeal under Appellate Division Docket No. 2008-10393, from the order dated June 25, 2008, to be a premature notice of appeal from a judgment of the same court dated November 6, 2008.

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

ORDERED that the branch of the motion which is to deem the notice of appeal from the order dated June 25, 2008 (Appellate Division Docket No. 2008-10393), to be a premature notice of appeal from the judgment dated November 6, 2008, is granted (*see* CPLR 5520[c]); and it is further,

ORDERED that the branch of the motion which is to consolidate the appeals under Appellate Division Docket Nos. 2008-06647 and 2008-06662 is denied as unnecessary as those appeals can be consolidated as of right (*see* 22 NYCRR 670.7[c]); and it is further,

May 29, 2009

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ORDERED that the branch of the motion which is to consolidate the appeal under Appellate Division Docket No. 2008-10393 with the appeals under Appellate Division Docket Nos. 2008-06647 and 2008-06662, is granted, and the parties shall file 10 copies of the record or appendix on appeal and their respective briefs; and it is further,

ORDERED that the branch of the motion which is to enlarge the time to perfect the appeals is granted, the appellant's time to perfect the appeals is enlarged until July 27, 2009, and the record or appendix on the appeals and the appellant's brief must be served and filed on or before that date.

FISHER, J.P., MILLER, LEVENTHAL and LOTT, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court