

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

M87285
E/cb

WILLIAM F. MASTRO, J.P.
STEVEN W. FISHER
RANDALL T. ENG
L. PRISCILLA HALL, JJ.

2008-07958

DECISION & ORDER ON MOTION

Sonia DeSouza-Brown, respondent,
v David Brown, appellant.

(Index No. 200524/05)

Motion by the appellant, in effect, for leave to reargue the respondent's prior cross motion to dismiss an appeal from a judgment of the Supreme Court, Nassau County, entered June 19, 2008, for failure to timely perfect, which was determined by a decision and order on motion of this court dated April 28, 2009, to reinstate the appeal, and to enlarge the time to perfect the appeal.

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

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


ORDERED that, upon reargument, so much of the decision and order on motion of this court dated April 28, 2009, as granted the respondent's prior cross motion is recalled and vacated, the cross motion is denied, and the appeal is reinstated; and it is further,

ORDERED that the appellant's time to perfect the appeal is enlarged until June 29, 2009, and the record or appendix on the appeal and the appellant's brief must be served and filed on or before that date; and it is further,

ORDERED that no further enlargement of time shall be granted.

MASTRO, J.P., FISHER, ENG and HALL, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

May 28, 2009

DeSOUZA-BROWN v BROWN