

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

M87307
E/sl

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

2008-06124

DECISION & ORDER ON MOTION

Katherine D'Alessandro, appellant,
v Midway Nursing Home, respondent.

(Index No. 28044/07)

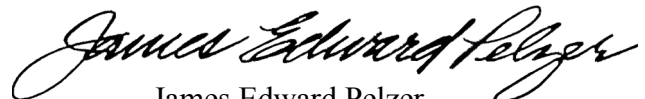
Motion by the appellant to recall and vacate so much of a decision and order on motion of this court dated April 28, 2009, as dismissed an appeal from a judgment of the Supreme Court, Queens County, entered June 18, 2008, pursuant to 22 NYCRR 670.8(e) for failure to timely perfect the same, to reinstate the appeal, to enlarge the time to perfect the appeal, and for poor person relief.

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

ORDERED that the motion is denied.

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

ENTER:



James Edward Pelzer
Clerk of the Court

May 29, 2009

D'ALESSANDRO v MIDWAY NURSING HOME