

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

M87410
E/sl

MARK C. DILLON, J.P.
FRED T. SANTUCCI
JOSEPH COVELLO
JOHN M. LEVENTHAL, JJ.

2008-10798

DECISION & ORDER ON MOTION

In the Matter of Stephanie Fasano, appellant,
v Michaelangelo, Battista, respondent.

(Docket No. V-00293/06)

Motion by the respondent to dismiss an appeal from an order of the Family Court, Nassau County, dated October 24, 2008, on the ground that the appellant failed to file the transcripts of the proceedings and to enlarge the time to serve and file a brief.


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 granted to the extent that on or before July 17, 2009, the appellant shall file any transcripts that exist with the Clerk of this court, and that branch of the motion is otherwise denied; and it is further,

ORDERED that the branch of the motion which is to enlarge the respondent's time to serve and file a brief is granted, the respondent's time to serve and file a brief is enlarged until August 17, 2009, and the respondent's brief must be served and filed on or before that date.

DILLON, J.P., SANTUCCI, COVELLO and LEVENTHAL, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

June 3, 2009

MATTER OF FASANO v BATTISTA