

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

M87577
E/sl

STEVEN W. FISHER, J.P.
ANITA R. FLORIO
JOSEPH COVELLO
THOMAS A. DICKERSON, JJ.

2008-07727

DECISION & ORDER ON MOTION

Efraim Schwartz, appellant,
v Martin B. Tepper, respondent.

(Index No. 25604/07)

Motion by the appellant to enlarge the time to perfect an appeal from an order of the Supreme Court, Queens County, entered August 7, 2008, and for leave to prosecute the appeal as a poor person.

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 for leave to prosecute the appeal on the original papers is granted, and the appeal will be heard on the original papers (including a certified transcript of the proceedings, if any) and on the appellant's and respondent's briefs; the parties are directed to file nine copies of their respective briefs and to serve one copy on each other; and it is further,

ORDERED that the branches of the motion which are to waive the filing fee and for free transcripts are denied; and it is further,

ORDERED that the branch of the motion which is to enlarge the time to perfect the appeal is granted, and the appellant's time to perfect the appeal by causing the original papers constituting the record on the appeal to be filed in the office of the Clerk of this court (*see* 22 NYCRR 670.9[d][2]) and by serving and filing his brief on the appeal is enlarged until July 6, 2009; and it is further,

June 5, 2009

SCHWARTZ v TEPPER

Page 1.

ORDERED that no further enlargement of time shall be granted.

FISHER, J.P., FLORIO, COVELLO and DICKERSON, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive style with a large, looping initial "J".

James Edward Pelzer
Clerk of the Court