

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

M87608
E/sl

A. GAIL PRUDENTI, P.J.
WILLIAM F. MASTRO
REINALDO E. RIVERA
ROBERT A. SPOLZINO, JJ.

2009-00165, 2009-00350, 2009-00551,
2009-05330

DECISION & ORDER ON APPLICATION

Marianne Rosner, respondent,
v Andrew Rosner, appellant.

(Index No. 201865/06)

Application by the appellant pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to perfect appeals from two orders of the Supreme Court, Nassau County, dated December 11, 2008, and December 12, 2008, respectively, and two orders of the same court both dated December 18, 2008.

Upon the papers filed in support of the application and no papers having been filed in opposition thereto, it is

ORDERED that on the court's own motion, the appeal from the order dated December 18, 2008, under Appellate Division Docket No. 2009-05330, is dismissed, without costs or disbursements, on the ground that no appeal lies from an order entered upon the consent of the appealing party (*see* CPLR 5511); and it is further,

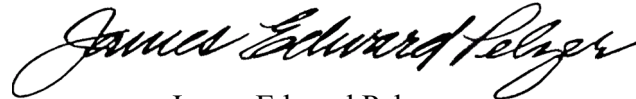
ORDERED that the branch of the application which is to enlarge the time to perfect the appeal from the order dated December 18, 2008, under Appellate Division Docket No. 2009-05330 is denied as academic; and it is further,

ORDERED that the branches of the application which are to enlarge the time to perfect the appeals from the orders dated December 11, 2008 (Appellate Division Docket No. 2009-00165), and December 12, 2008 (Appellate Division Docket No. 2009-00551), respectively, and the order entered December 18, 2008 (Appellate Division Docket No. 2009-00350), are granted and the

appellant's time to perfect those appeals is enlarged until July 31, 2009, and the record or appendix on the appeals and the appellant's brief must be served and filed on or before that date.

PRUDENTI, P.J., MASTRO, RIVERA and SPOLZINO, JJ., concur.

ENTER:

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

James Edward Pelzer
Clerk of the Court