

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

M87683  
S/sl

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

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2009-00234

DECISION & ORDER ON MOTION

In the Matter of Felix Essix, et al., appellants,  
v Gladys Carrion, etc., et al., respondents.

(Index No. 8588/08)

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On the court's own motion, it is

ORDERED that its decision and order on motion dated June 4, 2009, in the above-entitled matter is recalled and vacated, and the following decision and order on motion is substituted therefor:

Motion by the appellants for leave to prosecute appeal from a judgment of the Supreme Court, Nassau County, dated December 5, 2008, as a poor person.

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

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


*ORDERED that the filing fee is waived; and it is further,*

*ORDERED that the appellants' record and brief which were submitted to the Clerk of this court are accepted for filing; and it is further,*

*ORDERED that the respondent shall serve and file its brief on or before July 7, 2009.*

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

ENTER:

  
James Edward Pelzer  
Clerk of the Court

June 5, 2009

MATTER OF ESSIX v CARRION