

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

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E/sl

A. GAIL PRUDENTI, P.J.
FRED T. SANTUCCI
HOWARD MILLER
LEONARD B. AUSTIN, JJ.

2008-10226

DECISION & ORDER ON MOTION

Carl A. Scheuering, respondent,
v Nancy Scheuering, appellant.

(Index No. 03-4350)

Motion by the appellant pro se for leave to prosecute an appeal from an order of the Supreme Court, Orange County, dated August 20, 2008, as a poor person. Cross motion by the respondent to dismiss the appeal on the ground that no appeal lies from an order denying reargument and as untimely taken.

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

ORDERED that the motion is denied, with leave to renew on or before July 7, 2009, upon proper papers, including the appellant's affidavit setting forth the appellant's full financial situation including all assets, both real and personal, as well as any and all sources of income and any and all expenses; and it is further,

ORDERED that the cross motion is denied; and it is further,

ORDERED that the appellant's time to perfect the appeal is enlarged until July 27, 2009, and the record or appendix on the appeal and the appellant's brief must be served and filed on or before that date.

PRUDENTI, P.J., SANTUCCI, MILLER and AUSTIN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

June 11, 2009

SCHEUERING v SCHEUERING