

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

M88101  
E/cb

ROBERT A. SPOLZINO, J.P.  
FRED T. SANTUCCI  
ANITA R. FLORIO  
PLUMMER E. LOTT, JJ.

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2008-03650

DECISION & ORDER ON MOTION

Simon Taub, respondent,  
v Chana Taub, appellant.

(Index No. 6919/08)

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Motion by the appellant to recall and vacate so much of a decision and order on motion of this court dated November 24, 2008, as dismissed an appeal from an order of the Supreme Court, Kings County, dated April 4, 2008, pursuant to 22 NYCRR 670.8(e) for failure to timely perfect the same, to reinstate the appeal, and to enlarge the time to perfect the appeal.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the motion is denied.

SPOLZINO, J.P., SANTUCCI, FLORIO and LOTT, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

June 17, 2009

TAUB v TAUB