

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

M88112  
E/cb

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

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2008-08896

DECISION & ORDER ON MOTION

Jose R. San Martin, etc., et al., respondents,  
v Minako S. Wong, appellant.

(Index No. 17167/06)

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Motion by the appellant pro se on an appeal from a judgment of the Supreme Court, Queens County, entered August 18, 2008, in effect, to discharge her attorney and for leave to withdraw the record on appeal and brief filed by her attorney. Cross motion by the respondents, inter alia, to vacate an order on application dated May 13, 2009, enlarging the time to perfect the appeal, for an award of an attorney's fee in the sum of \$8,600, and to impose a sanction upon the appellant. Application by the respondent pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to serve and file a brief.

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, and upon the application, it is

ORDERED that the motion is granted, Houlihan & Associates, P.C., 56-29 Metropolitan Avenue, Ridgewood, New York 11385, is relieved from representing the appellant, the record on appeal and brief filed by counsel are stricken, and on or before June 30, 2009, the appellant shall serve and file a replacement record on appeal and brief; and it is further,

ORDERED that the branches of the cross motion which are for an award of an attorney's fee in the sum of \$8,600 and to impose a sanction upon the appellant are held in abeyance and referred to the panel of Justices hearing the appeal for determination upon the argument or submission thereof; and it is further,

June 17, 2009

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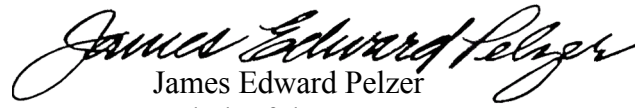
ORDERED that on or before June 30, 2009, the appellant shall serve and file opposition to those branches of the cross motion which are for an award of an attorney's fee in the sum of \$8,600 and to impose a sanction upon her, if she be so advised; and it is further,

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

ORDERED that the application is granted, the respondent's time to serve and file a brief is enlarged until July 30, 2009, and the respondent's brief must be served and filed on or before that date.

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

ENTER:

  
James Edward Pelzer  
Clerk of the Court