

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

M88294  
M/cb

ROBERT A. SPOLZINO, J.P.  
DANIEL D. ANGIOLILLO  
CHERYL E. CHAMBERS  
PLUMMER E. LOTT, JJ.

---

2008-11063

DECISION & ORDER ON MOTION

In the Matter of Lucero Sanabria, appellant-respondent, v Gabriel Medina, respondent-appellant.

(Docket No. U-15628-05)

---

On the court's own motion, it is

ORDERED that its decision and order on motion dated June 9, 2009, in the above-entitled appeal is recalled and vacated, and the following is substituted therefor:

Appeal and cross appeal from an order of the Family Court, Queens County, dated November 7, 2008. The transcripts were received by the appellant-respondent Lucero Sanabria on February 23, 2009, and pursuant to the scheduling order of this court dated December 23, 2008, the appeal by Lucero Sanabria in the above-entitled proceeding was to be perfected within 60 days of the date of the receipt of the transcripts. By order to show cause dated May 6, 2009, the parties or their attorneys were directed to show cause before this court why an order should or should not be made and entered dismissing the appeal of Lucero Sanabria in the above-entitled proceeding for failure to comply with the scheduling order dated December 23, 2008, issued pursuant to 22 NYCRR 670.4(a)(2).

Now, on the court's own motion, and the papers filed in response to the order to show cause, it is

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

*ORDERED that the appellant's time to perfect the appeal by causing the original papers constituting the record on the appeal to be filed in the office of the Clerk of this court (see*

June 22, 2009

MATTER OF SANABRIA v MEDINA

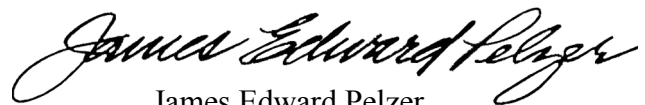
Page 1.

*22 NYCRR 670.9[d][2]) and by serving and filing the appellant's brief on the appeal is enlarged until July 20, 2009; and it is further,*

ORDERED that no further enlargement of time shall be granted.

SPOLZINO, J.P., ANGIOLILLO, CHAMBERS and LOTT, JJ., concur.

ENTER:

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

James Edward Pelzer  
Clerk of the Court