

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

M88391
E/sl

REINALDO E. RIVERA, J.P.
ANITA R. FLORIO
THOMAS A. DICKERSON
RANDALL T. ENG, JJ.

2008-05576

DECISION & ORDER ON MOTION

Kim Bricker, respondent,
v James Bricker, appellant.

(Index No. 1255/04)

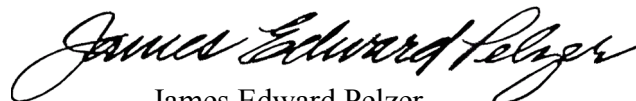
Motion by the appellant to recall and vacate so much of a decision and order on motion of this court, entitled "In the Matter of the Dismissal of Causes for Failure to Perfect - February 2009 Calendar," dated March 17, 2009, as dismissed an appeal from an order of the Supreme Court, Rockland County, dated May 9, 2008, pursuant to 22 NYCRR 670.8(e) for failure to timely perfect and for leave to withdraw the appeal.

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, so much of the decision and order on motion of this court dated March 17, 2009, as dismissed the appeal from the order dated May 9, 2008, is recalled and vacated, and the appeal is deemed withdrawn, without costs or disbursements.

RIVERA, J.P., FLORIO, DICKERSON and ENG, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

June 26, 2009

BRICKER v BRICKER