

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

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E/sl

MARK C. DILLON, J.P.  
HOWARD MILLER  
JOHN M. LEVENTHAL  
ARIEL E. BELEN, JJ.

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2008-01926

DECISION & ORDER ON MOTION

Donald Felix, appellant, v Law Offices of  
Thomas F. Liotti, respondent.

(Index No. 8395/07)

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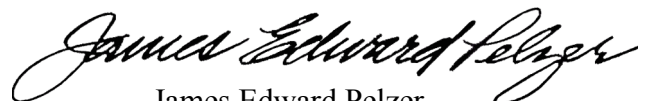
Motion by the appellant to recall and vacate so much of a decision and order on motion of this court, entitled "In the Matter of the Dismissal of Causes for Failure to Perfect - November 2008 Calendar," dated December 8, 2008, as dismissed an appeal from an order of the Supreme Court, Nassau County, dated January 15, 2008, pursuant to 22 NYCRR 670.8(e) for failure to timely perfect, 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 relation or opposition thereto, it is

ORDERED that the motion is denied.

DILLON, J.P., MILLER, LEVENTHAL and BELEN, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

June 26, 2009

FELIX v LAW OFFICES OF THOMAS F. LIOTTI