

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

M88643
E/sl

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

2008-08181

DECISION & ORDER ON MOTION

Mortgage Electronic Registration Systems, Inc.,
et al., respondents, v Jame C. Lockhart III, a/k/a
James C. Lockhart, appellant, et al., defendants.

(Index No. 13171/05)

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 - May 2009 Calendar," dated May 26, 2009, as dismissed an appeal from an order of the Supreme Court, Queens County, dated July 11, 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 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

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. v LOCKHART III