

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

M88647
E/sl

STEVEN W. FISHER, J.P.
HOWARD MILLER
DANIEL D. ANGIOLILLO
L. PRISCILLA HALL, JJ.

2008-11519

DECISION & ORDER ON MOTION

Felix Rivera, respondent, v Lutheran Medical Center, et al., defendants; Morgan, Lewis & Bockius, LLP, nonparty-appellant.

(Index No. 22050/05)

Motion by the nonparty-appellant, inter alia, to unseal the court file so that it can prepare the record on an appeal from an order of the Supreme Court, Kings County, dated October 16, 2008, and, in effect, to enlarge its time to serve and file a replacement record and brief.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the branch of the motion which is to unseal the court file is granted to the extent that the court file is unsealed to allow counsel for the nonparty-appellant and counsel for the respondent to review and, if necessary, copy any motion papers filed with the Supreme Court, Kings County, which resulted in the order appealed from; and it is further,

ORDERED that the nonparty-appellant's time to serve and file the replacement record and brief is enlarged until July 31, 2009, and the replacement record and brief shall be served and filed on or before that date; the replacement record shall be filed under seal and shall remain sealed after filing; and it is further,

ORDERED that the respondent's time to serve and file a brief is enlarged until August 31, 2009, and the respondent's brief must be served and filed on or before that date; and it is further,

ORDERED that the motion is otherwise denied.

June 25, 2009

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FISHER, J.P., MILLER, ANGIOLILLO and HALL, JJ., concur.

ENTER:

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

James Edward Pelzer
Clerk of the Court