

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

M88706
S/cb

ANITA R. FLORIO, J.P.
JOSEPH COVELLO
RUTH C. BALKIN
JOHN M. LEVENTHAL, JJ.

2007-07918

DECISION & ORDER ON MOTION

Maria Jespersen, respondent,
v Li Sheng Liang, appellant.

(Index No. 10199-05)

Motion by the appellant pro se on an appeal from an order of the Supreme Court, Suffolk County, dated July 31, 2007, to waive the requirements of 22 NYCRR 670.10.2(f) regarding certification of the record on appeal, and to enlarge the time to perfect the appeal. Separate motion by the appellant for leave to file a supplemental record containing “the final settled version of the transcript” of the traverse hearing. Cross motion by the respondent to dismiss the appeal for failure to timely perfect the same. By decision and order on motion dated July 16, 2008, the cross motion was denied, and the matter was remitted to the Supreme Court, Suffolk County, to settle the record on appeal and to issue a report setting forth the papers which constitute the record, and the motions were held in abeyance in the interim. The Supreme Court, Suffolk County, has filed its report.

Upon the papers filed in support of the motions and the papers filed in opposition thereto, and upon the report of the Supreme Court, Suffolk County, it is

ORDERED that the motion to waive the requirements of 22 NYCRR 670.10.2(f) regarding certification of the record on appeal, and to enlarge the time to perfect the appeal, is granted to the extent that the proposed record on appeal which the appellant submitted with the motion papers is deemed to be the record on appeal; the appellant’s time to perfect the appeal is enlarged until July 30, 2009, and the record or appendix and the appellant’s brief shall be served and filed on or before that date, and the motion is otherwise denied as unnecessary to the extent that it seeks waiver of the requirements of 22 NYCRR 670.10.2(f) regarding certification of the record on appeal, as the attorney may certify the record in accordance with CPLR 2105 and the rules of this court (*see* 22 NYCRR 670.10.2[f]); and it is further,

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ORDERED that the motion to for leave to file a supplemental record containing “the final settled version of the transcript” of the traverse hearing is granted to the extent that the record or appendix on appeal may contain a copy of the final settled transcript and that motion is otherwise denied as academic; and it is further,

ORDERED that no further enlargement of time to perfect the appeal shall be granted.

FLORIO, J.P., COVELLO, BALKIN and LEVENTHAL, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court