

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

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S/mv

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

2009-02956

DECISION & ORDER ON MOTION

Jacques Jean-Baptiste, appellant,
v Eliotte Bazin Jean-Baptiste, respondent.

(Index No. 368-04)

On the court's own motion, it is

ORDERED that its decision and order on motion dated June 26, 2009, in the above-entitled case is recalled and vacated, and the following decision and order on motion is substituted therefor:

Appeal by Jacques Jean-Baptiste from an order of the Supreme Court, Kings County, dated February 24, 2009. By order to show cause dated June 9, 2009, the parties or their attorneys were directed to show cause before this court why an order should or should not be made and entered dismissing the appeal in the above-entitled proceeding for failure to comply with a scheduling order dated April 29, 2009, issued pursuant to 22 NYCRR 670.4(a)(2).

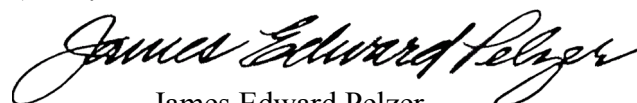
Now, on the court's own motion, and the papers filed in response to the order to show cause, it is

ORDERED that the motion is denied; and it is further,

ORDERED that the appellant's time to perfect the appeal is enlarged until July 31, 2009, and the record or appendix on the appeal and the appellant's brief must be served and filed on or before that date.

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

ENTER:



James Edward Pelzer
Clerk of the Court

June 30, 2009

JEAN-BAPTISTE v JEAN-BAPTISTE