

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

M88948  
E/sl

ANITA R. FLORIO, J.P.  
HOWARD MILLER  
JOHN M. LEVENTHAL  
PLUMMER E. LOTT, JJ.

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2008-07555

DECISION & ORDER ON MOTION

Erno Goldberger, etc., et al., respondents,  
v Benjamin Eisner, appellant, et al., defendant.

(Index No. 17302/02)

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Motion by the appellant to enlarge the time to perfect an appeal from an order of the Supreme Court, Kings County, dated May 23, 2008, for leave to prosecute the appeal as a poor person and for the assignment of counsel.

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 for leave to prosecute the appeal on the original papers is granted and the appeal will be heard on the original papers (including a certified transcript of the proceedings, if any) and on the appellant's and respondent's briefs; the parties are directed to file nine copies of their respective briefs and to serve one copy on each other; and it is further,

ORDERED that the branch of the motion which is to enlarge the time to perfect the appeal is granted, and the appellant's time to perfect the appeal by causing the original papers constituting the record on the appeal to be filed in the office of the Clerk of this court (*see* 22 NYCRR 670.9[d][2]) and by serving and filing his brief on the appeal is enlarged until August 7, 2009; and it is further,

ORDERED that no further enlargement of time shall be granted; and it is further,

July 8, 2009


GOLDBERGER v EISNER

Page 1.

ORDERED that the branches of the motion which are for free transcripts, to waive the filing fee, and for the assignment of counsel are denied.

FLORIO, J.P., MILLER, LEVENTHAL and LOTT, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court