

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

M89235
E/sl

ANITA R. FLORIO, J.P.
JOHN M. LEVENTHAL
CHERYL E. CHAMBERS
PLUMMER E. LOTT, JJ.

2008-10913

DECISION & ORDER ON MOTION

Natalie Varriano, appellant,
v Steering Wheel Rentals, Inc., defendant,
Son N. Trinh, respondent.

(Index No. 9377/97)

Motion by the respondent to dismiss an appeal from an order of the Supreme Court, Kings County, dated September 10, 2008, for failure to prosecute. Application by the appellant pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to perfect the appeal.

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

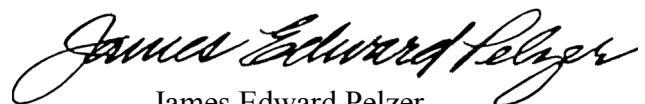
ORDERED that on the court's own motion, the notice of appeal from the order dated September 10, 2008, is deemed to be a notice of appeal from a judgment of the same court entered October 30, 2008 (*see* CPLR 5512[a]); and it is further,

ORDERED that the application is granted, the appellant's time to perfect the appeal is enlarged until August 10, 2009, and the record or appendix on the appeal and the appellant's brief must be served and filed on or before that date; and it is further,

ORDERED that the motion by the respondent to dismiss the appeal is denied.

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

ENTER:



James Edward Pelzer
Clerk of the Court

July 14, 2009

VARRIANO v STEERING WHEEL RENTALS, INC.