

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

M89268
E/sl

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

2008-09968

DECISION & ORDER ON MOTION

Richard J. Schaller, appellant,
v County of Suffolk, et al., respondents.

(Index No. 12349-05)

Motion by the appellant pro se for leave to prosecute an appeal from an order of the Supreme Court, Suffolk County, dated June 17, 2008, as a poor person, for leave to prosecute the appeal on the original record, for free transcripts, to waive the filing fee, 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 to waive the motion filing fee is granted; and it is further,

ORDERED that the branch of the motion which is for leave to prosecute the appeal on the original record 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 respondents' 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 branches of the motion which are for free transcripts, to waive the fee for filing the appeal, and for the assignment of counsel are denied; and it is further,

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ORDERED that 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 September 8, 2009.

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

ENTER:

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

James Edward Pelzer
Clerk of the Court