

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

M89331
E/sl

MARK C. DILLON, J.P.
DANIEL D. ANGIOLILLO
THOMAS A. DICKERSON
RANDALL T. ENG, JJ.

2008-09674, 2009-05536, 2009-05537

DECISION & ORDER ON MOTION

Frank J. Stangel, etc., et al., appellants-respondents, v Zhi Dan Chen, et al., defendants, Louis Cardena, et al., respondents-appellants, Xian Feng Zou, etc., respondent.
(Appeal No. 1)

Frank J. Stangel, etc., et al., appellants, v Zhi Dan Chen, et al., respondents, et al., defendants.
(Appeal No. 2, 3)

(Index No. 29920/07)

Motion by Frank J. Stangel, individually and as executor of the estate of Catherine Stargel, to enlarge the time to perfect an appeal and cross appeal from an order of the Supreme Court, Queens County, dated August 18, 2008, and to consolidate the appeal and cross appeal with appeals from orders of the same court entered May 7, 2009, and May 19, 2009.

Upon the papers filed in support of the motion and no papers having been filed in opposition or in relation thereto, it is

ORDERED that the branch of the motion which is to enlarge the time to perfect the appeal and cross appeal from the order dated August 18, 2008 (Appellate Division Docket No. 2008-09674), is granted; and it is further,

ORDERED that the movants' time to perfect the appeal is enlarged until July 31, 2009, and the joint record or appendix on the appeal (*see* 22 NYCRR 670.8[c][1]) and the movants' brief must be served and filed on or before that date; and it is further,

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

ORDERED that the respondents-appellants shall serve and file the answering brief, including the points of argument on the cross appeal, in accordance with the rules of this court (*see* 22 NYCRR 670.8[c][3]); and it is further,

ORDERED that the branch of the motion which is to consolidate the appeals and cross appeal is denied as unnecessary as the appeals and cross appeal may be consolidated as of right (*see* 22 NYCRR 670.7[c][1]).

DILLON, J.P., ANGIOLILLO, DICKERSON and ENG, JJ., concur.

ENTER:

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

James Edward Pelzer
Clerk of the Court