

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

M89386  
S/sl

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2008-11649

ORDER ON

APPLICATION

Robert Kotara, plaintiff-respondent,  
v City of New York, et al., defendants-respondents,  
Drain Kleen Sewer Service, Inc., appellant.

(Index No. 18313/06)

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ORDERED that the order on application of this court dated July 8, 2009, in the above-entitled appeal is recalled and vacated and the following order on application is substituted therefor:

Application by the appellant pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to serve and file a reply brief on an appeal from an order of the Supreme Court, Kings County, dated November 14, 2008.

ORDERED that the application is *denied as premature as the time of the respondent City of New York to serve and file a brief does not expire until July 20, 2009.*

ENTER:



James Edward Pelzer  
Clerk of the Court

July 14, 2009

KOTARA v CITY OF NEW YORK