

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

M89390  
E/sl

REINALDO E. RIVERA, J.P.  
DANIEL D. ANGIOLILLO  
ARIEL E. BELEN  
LEONARD B. AUSTIN, JJ.

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2008-08010

DECISION & ORDER ON MOTION

Elie Zeitoune, et al., respondents,  
v Jack Cohen, et al., appellants.

(Index No. 28171/05)

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Motion by the respondents to dismiss an appeal from an order of the Supreme Court, Kings County, dated April 25, 2008, as untimely taken. Application by the appellants pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to serve and file a reply brief.

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, which was timely filed, is deemed timely served (*see* CPLR 5520[a]); and it is further,

ORDERED that on the court's own motion, the notice of appeal from the order is deemed to be a notice of appeal from a judgment of the same court dated August 13, 2008 (*see* CPLR 5512[a]); and it is further,

ORDERED that the motion is denied; and it is further,

ORDERED that the application is granted and the appellants' time to serve and file a reply brief is enlarged until July 24, 2009, and the reply brief must be served and filed on or before that date.

RIVERA, J.P., ANGIOLILLO, BELEN and AUSTIN, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

July 14, 2009

ZEITOUNE v COHEN