

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

M89436  
S/sl

A. GAIL PRUDENTI, P.J.  
WILLIAM F. MASTRO  
REINALDO E. RIVERA  
ROBERT A. SPOLZINO  
PETER B. SKELOS, JJ.

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2009-00078

DECISION & ORDER ON APPLICATION

Anne M. Downing, et al., plaintiffs-appellants,  
v Long Island General Supply Co., etc., et al.,  
defendants third-party plaintiffs-appellants,  
City of New York, et al., defendants-appellants;  
A.O. Smith Corporation, third-party defendant-  
respondent.

(Index No. 21779-02)

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Application by the defendants third-party plaintiffs-appellants and the defendants-appellants pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to perfect appeals from an order of the Supreme Court, Queens County, dated November 20, 2008.

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

ORDERED that the appeals by the plaintiffs and the defendants City of New York and the New York City Department of Environmental Protection are dismissed, without costs or disbursements, as those parties are not aggrieved by the order dated November 20, 2008 (*see* CPLR 5511); and it is further,

ORDERED that the application is granted and the time of the defendants third-party plaintiffs-appellants to perfect the appeal is enlarged until September 16, 2009, and the record or appendix on the appeal and the defendants third-party plaintiffs-appellants' brief must be served and filed on or before that date.

PRUDENTI, P.J., MASTRO, RIVERA, SPOLZINO and SKELOS, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

July 15, 2009

DOWNING v LONG ISLAND GENERAL SUPPLY CO.