

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

M89491  
S/cb

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2009-00465

ORDER ON APPLICATION

Noel Smith, plaintiff-respondent,  
v Merrill Lynch & Co., Inc., appellant,  
Fitzgerald & Fitzgerald, et al.,  
defendants-respondents.

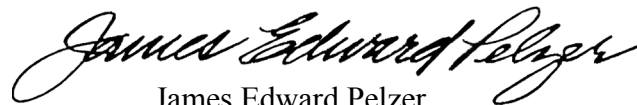
(Index No. 9299/04)

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Application by the defendant-respondent Fitzgerald & Fitzgerald pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to serve and file a brief on an appeal from an order of the Supreme Court, Nassau County, entered November 26, 2008.

ORDERED that the application is granted and the time of the defendant-respondent Fitzgerald & Fitzgerald to serve and file a brief is enlarged until August 7, 2009, and the brief of the defendant-respondent Fitzgerald & Fitzgerald must be served and filed on or before that date.

ENTER:



James Edward Pelzer  
Clerk of the Court

July 16, 2009

SMITH v MERRILL LYNCH & CO., INC.