

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

M89532
S/cb

WILLIAM F. MASTRO, J.P.
PETER B. SKELOS
ANITA R. FLORIO
CHERYL E. CHAMBERS, JJ.

2008-10815, 2009-04218

DECISION & ORDER ON MOTION

In the Matter of Katherine E. Grandel, deceased.
Frank Grandel, appellant; Suzan Grandel,
respondent.
(Appeal No. 1)

In the Matter of Katherine E. Grandel, deceased.
Frank Grandel, respondent; Suzan Grandel,
appellant.
(Appeal No. 2)

(File No. 436/07)

Motion by the Frank Grandel on appeals from an order of the Surrogate's Court, Rockland County, dated October 24, 2008 (Appellate Division Docket No. 2008-10815), and a decree of the same court dated March 23, 2009 (Appellate Division Docket No. 2009-04218), to recall and vacate an order on application dated April 30, 2009, which withdrew the appeal from the order, to reinstate that appeal, to enlarge the time to perfect that appeal, and to consolidate that appeal with the appeal from the decree.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the motion is denied without prejudice to Frank Grandel raising the issues relating to the order dated October 24, 2008, in his brief on the appeal from the decree dated March 23, 2009 (*see Parochial Bus Sys. v Board of Educ. of City of N.Y.*, 60 NY2d 539, 547).

MASTRO, J.P., SKELOS, FLORIO and CHAMBERS, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

July 17, 2009

MATTER OF GRANDEL, DECEASED