

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

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S/nl

FRED T. SANTUCCI, J.P.
DANIEL D. ANGIOLILLO
RUTH C. BALKIN
CHERYL E. CHAMBERS, JJ.

2008-04779

DECISION & ORDER ON MOTION

Prospect Park Management, LLC, appellant,
v Albert Beatty, et al., respondents.

(Index No. 12698/00)


Motion by the appellant to recall and vacate so much of a decision and order of this court entitled “In the Matter of the Dismissal of Causes for Failure to Perfect - February 2009 Calendar”, dated March 17, 2009, which dismissed an appeal from an order of the Supreme Court, Kings County, dated May 6, 2008, to reinstate the appeal, and to enlarge the time to perfect the appeal.

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

ORDERED that the motion is denied, with leave to renew, on or before August 7, 2009, upon proof of service of the motion upon the respondents personally pursuant to CPLR 2103[c] which service shall constitute notice to the respondents to appoint a new attorney pursuant to CPLR 321(a) or proceed pro se.

SANTUCCI, J.P., ANGIOLILLO, BALKIN and CHAMBERS, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

July 20, 2009

PROSPECT PARK MANAGEMENT, LLC v BEATTY