

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

M89887
E/sl

PETER B. SKELOS, J.P.
JOHN M. LEVENTHAL
L. PRISCILLA HALL
LEONARD B. AUSTIN, JJ.

2007-10571, 2008-05287

DECISION & ORDER ON MOTION

John Muzio, et al., appellants,
v Maria Alfano-Hardy, et al., respondents.

(Index No. 10528/05)

Motion by Genevieve Lane LoPresti, Esq., the attorney for the appellants, for leave to withdraw as counsel on appeals from two orders of the Supreme Court, Nassau County, dated September 26, 2007, and April 8, 2008, respectively, for an attorney's fee and a charging lien, to enlarge the time to perfect the appeal from the order dated April 8, 2008, for an award of counsel costs and disbursements, and to seal the motion papers.

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

ORDERED that the branch of the motion which is for leave to withdraw as counsel is granted, and Genevieve Lane LoPresti, Esq., is relieved from representing the appellants with respect to the instant appeals; and it is further,

ORDERED that on or before August 6, 2009, Genevieve Lane LoPresti, Esq., is directed to serve her clients by one of the methods specified in CPLR 2103(c), with a copy of this decision and order on motion and shall file proof of such service with the Clerk of this court; and it is further,

ORDERED that no further proceedings shall be taken against the appellants, without leave of the court, until the expiration of 30 days after service upon them of a copy of this decision and order on motion; and it is further,

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ORDERED that on or before September 21, 2009, the appellants shall notify this court in writing (1) whether they have retained a new attorney to represent them or are proceeding pro se on the appeal from the order dated September 26, 2007 (Appellate Division Docket No. 2007-10571) and (2) whether the new attorney or the pro se appellants either (A) adopts the record and brief, and reply brief on file with this court, (B) adopts the record and brief, and reply brief on file with this court and requests leave to serve and file a supplemental brief, or (C) withdraws the record and briefs on file with this court and requires an extension of time to serve and file a replacement record and brief; and it is further,

ORDERED that the time to perfect the appeal from the order dated April 8, 2008 (Appellate Division Docket No. 2008-05287), is enlarged until September 21, 2009, and the record or appendix on the appeal and the appellants' brief must be served and filed on or before that date; and it is further,


ORDERED that no further enlargement of time shall be granted; and it is further,

ORDERED that the branches of the motion which are for an attorney's fee and a charging lien, and for an award of counsel costs and disbursements are denied with leave to renew in the Supreme Court, Nassau County; and it is further,

ORDERED that the branch of the motion which is to seal the motion papers is granted to the extent that Exhibit F annexed to the affirmation of Genevieve Lane LoPresti, Esq., dated May 31, 2009, is sealed and that branch of the motion is otherwise denied.

SKELOS, J.P., LEVENTHAL, HALL and AUSTIN, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court