

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

M89907
E/sl

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

2008-06124

DECISION & ORDER ON MOTION

Katherine D'Alessandro, appellant,
v Midway Nursing Home, respondent.

(Index No. 28044/07)

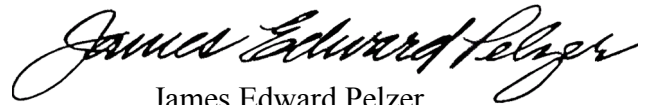
Renewed motion by the appellant to recall and vacate so much of a decision and order on motion of this court dated April 28, 2009, as dismissed an appeal from a judgment of the Supreme Court, Queens County, entered June 18, 2008, pursuant to 22 NYCRR 670.8(e) for failure to timely perfect, to reinstate the appeal, to enlarge the time to perfect the appeal, and for poor person relief.

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

ORDERED that the motion is denied.

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

ENTER:



James Edward Pelzer
Clerk of the Court

July 24, 2009

D'ALESSANDRO v MIDWAY NURSING HOME