

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

M89910  
E/sl

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

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2008-03323

DECISION & ORDER ON MOTION

Noel Smith, plaintiff, v Merrill Lynch & Co., Inc., defendant, Fitzgerald & Fitzgerald, P.C., defendant third-party plaintiff-appellant; County of Nassau, third-party defendant-respondent, et al., third-party defendants.

(Index No. 9299/04)

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Motion by the County of Nassau to enlarge the time to serve and file a brief on an appeal from an order of the Supreme Court, Nassau County, dated March 3, 2008.


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

ORDERED that the motion is granted and County of Nassau's time to serve and file a brief is enlarged until August 24, 2009, and the County of Nassau's 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.

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

ENTER:

  
James Edward Pelzer  
Clerk of the Court

July 23, 2009

SMITH v MERRILL LYNCH & CO., INC.