

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

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2009-01470

ORDER ON APPLICATION

In the Matter of Kmart Corporation, petitioner-appellant, v County of Westchester, et al., respondents.

(Index No. 08-9937)

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Application by the petitioner-appellant in a hybrid proceeding pursuant to CPLR article 78 and an action for a declaratory judgment, pursuant to 22 NYCRR 670.8(d)(2), to enlarge the time to perfect (1) the proceeding which was transferred to this court by order of the Supreme Court, Westchester County, dated January 13, 2009, and (2) the appeal from so much of the order as dismissed the action.

ORDERED that the application is granted and the appellant's time to perfect is enlarged until September 10, 2009, and the record or appendix and the petitioner-appellant's brief must be served and filed on or before that date.

ENTER:



James Edward Pelzer  
Clerk of the Court

August 10, 2009

MATTER OF KMART CORPORATION v COUNTY OF WESTCHESTER