

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

M91226
E/sl

ANITA R. FLORIO, J.P.
HOWARD MILLER
JOHN M. LEVENTHAL
PLUMMER E. LOTT, JJ.

2008-07555

DECISION & ORDER ON MOTION

Erno Goldberger, etc., et al., respondents,
v Benjamin Eisner, appellant, et al., defendant.

(Index No. 17302/02)

Motion by the appellant to waive the motion filing fee on an appeal from an order of the Supreme Court, Kings County, dated May 23, 2008, to enlarge the time to perfect the appeal, “to treat the previous notice of motion as a notice for both” the order and a judgment of the same court dated December 5, 2007, and for leave to include in the record on appeal “all papers filed in reference to the judgment.”

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 to waive the motion filing fee is granted; and it is further,

ORDERED that the branch of the motion which is to enlarge the time to perfect the appeal is granted, and the appellant's time to perfect the appeal by causing the original papers constituting the record on the appeal to be filed in the office of the Clerk of this court (*see* 22 NYCRR 670.9[d][2]) and by serving and filing his brief on the appeal is enlarged until September 29, 2009; and it is further,

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

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ORDERED that the branches of the motion which are “to treat the previous notice of motion as a notice for both” the order and the judgment and for leave to include in the record on appeal “all papers filed in reference to the judgment” are denied.

FLORIO, J.P., MILLER, LEVENTHAL and LOTT, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court