

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

M91295
E/sl

MARK C. DILLON, J.P.
JOSEPH COVELLO
DANIEL D. ANGIOLILLO
LEONARD B. AUSTIN, JJ.

2008-11552, 2009-00891, 2009-03602

DECISION & ORDER ON MOTION

Matthew R. Garrity, Sr., respondent-appellant,
v Delia K. Garrity, appellant-respondent.

(Index No. 624/07)

Motion by the respondent-appellant on an appeal and cross appeal from two orders of the Supreme Court, Putnam County, dated November 10, 2008, and December 22, 2008, and an appeal from an order of the same court dated March 10, 2009, to enlarge his time to serve and file an answering brief including his points of argument on the cross appeal (*see* 22 NYCRR 670.8[c][3]), to enlarge his time to perfect the appeal from the order dated March 10, 2009, and to consolidate the appeals and cross appeals.

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 branch of the motion which is to enlarge the time to serve and file an answering brief with respect to the appeals and cross appeal from the orders dated November 10, 2008, and December 22, 2008 (Appellate Division Docket Nos. 2008-11552, 2009-00891), is granted, and the respondent-appellant shall serve and file an answering brief, including points of argument on the cross appeal (*see* 22 NYCRR 670.8[c][3]), on or before September 25, 2009; and it is further,

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

ORDERED that the branch of the motion which is to enlarge the time to perfect the appeal from the order dated March 10, 2009 (Appellate Division Docket No. 2009-03602) is denied as premature; and it is further,

August 27, 2009

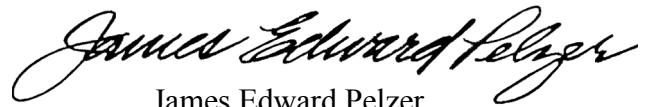
GARRITY v GARRITY

Page 1.

ORDERED that the branch of the motion which is to consolidate the appeals and cross appeals is granted to the extent that the appeals and cross appeals from the order dated November 10, 2008 and December 22, 2008, will be heard together with the appeal from the order dated March 10, 2009, and will be argued or submitted on the same day and that branch of the motion is denied.

DILLON, J.P., COVELLO, ANGIOLILLO and AUSTIN, JJ., concur.

ENTER:

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

James Edward Pelzer
Clerk of the Court