

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

M91384  
E/sl

ROBERT A. SPOLZINO, J.P.  
MARK C. DILLON  
HOWARD MILLER  
DANIEL D. ANGIOLILLO, JJ.

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2009-01814

DECISION & ORDER ON MOTION

James Drummond, appellant,  
v State of New York, respondent.

(Claim No. 112382)

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Motion by the appellant for leave to reargue that branch of his prior motion which was to waive the filing fee on an appeal from a judgment of the Court of Claims dated February 13, 2009, which was determined by decision and order on motion dated March 30, 2009.

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

ORDERED that the motion is denied; and it is further,

ORDERED that the appellant's time to pay the filing fee so that the briefs submitted to the Clerk of the court can be accepted for filing and the appeal can be perfected is extended until October 5, 2009.

SPOLZINO, J.P., DILLON, MILLER and ANGIOLILLO, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

August 31, 2009

DRUMMOND v STATE OF NEW YORK