

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

M91393
E/sl

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

2009-05892

DECISION & ORDER ON MOTION

Anna Marie Canadeo, respondent,
v John Muzio, appellant.

(Index No. 14715/03)

Motion by Genevieve Lane LoPresti, Esq., the attorney for the appellant, for leave to withdraw as counsel on an appeal from a judgment of the Supreme Court, Nassau County, entered March 20, 2009, for an attorney's fee and a charging lien, to enlarge the time to perfect the appeal, for an award of costs and disbursements, and to seal the motion papers.

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 for leave to withdraw as counsel is granted, and Genevieve Lane LoPresti, Esq., is relieved from representing the appellant with respect to the instant appeal; and it is further,

ORDERED that on or before September 11, 2009, Genevieve Lane LoPresti, Esq., is directed to serve her clients by one of the methods specified in CPLR 2103(c), with a copy of this decision and order on motion and shall file proof of such service with the Clerk of this court; and it is further,

ORDERED that no further proceedings shall be taken against the appellant, without leave of the court, until the expiration of 30 days after service upon him of a copy of this decision and order on motion; and it is further,

ORDERED that the branch of the motion which is to enlarge the time to perfect the appeal is denied as premature; and it is further,

August 28, 2009

CANADEO v MUZIO

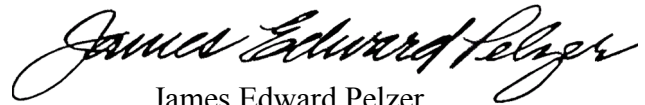
Page 1.

ORDERED that the branches of the motion which are for an attorney's fee and a charging lien, and for an award of costs and disbursements are denied with leave to renew in the Supreme Court, Nassau County; and it is further,

ORDERED that the branch of the motion which is to seal the motion papers is granted.

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