

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

M91412  
E/sl

ROBERT A. SPOLZINO, J.P.  
FRED T. SANTUCCI  
RANDALL T. ENG  
ARIEL E. BELEN, JJ.

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2008-09087, 2008-11325

DECISION & ORDER ON MOTION

American Business Credit, Inc., respondent,  
v Bettie Jean Sanders, appellant, et al.,  
defendants.

(Index No. 31979/01)

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Motion by the appellant to stay her eviction from the subject premises, pending hearing and determination of appeals from two orders of the Supreme Court, Kings County, dated September 24, 2008, and October 22, 2008, respectively.

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

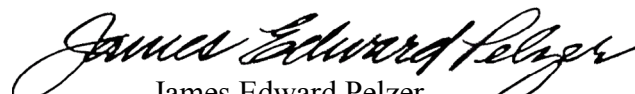
ORDERED that on the court's own motion, so much of a decision and order on motion of this court, entitled "In the Matter of the Dismissal of Causes for Failure to Perfect - July 2009 Calendar," dated July 31, 2009, as dismissed the appeal from the order dated October 22, 2008 (Appellate Division Docket No. 2008-11325), pursuant to 22 NYCRR 670.8(e) for failure to timely perfect the same, is recalled and vacated, and that appeal is reinstated; and it is further,

ORDERED that the appellant's time to perfect the appeals is enlarged until October 30, 2009, and the record on appeal and the appellant's brief must be served and filed on or before that date; and it is further,

ORDERED that the motion is denied.

SPOLZINO, J.P., SANTUCCI, ENG and BELEN, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

August 28, 2009

AMERICAN BUSINESS CREDIT, INC. v SANDERS