

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

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E/sl

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2008-03323

ORDER ON APPLICATION

Noel Smith, plaintiff, v Merrill Lynch &  
Co., Inc., defendant, Fitzgerald & Fitzgerald,  
P.C., defendant third-party plaintiff-appellant;  
County of Nassau, third-party defendant-respondent,  
et al., third-party defendants.

(Index No. 9299/04)

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Application by the defendant third-party plaintiff-appellant pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to serve and file a reply brief on an appeal from an order of the Supreme Court, Nassau County, dated March 3, 2008.

ORDERED that the application is granted and the reply brief shall be served and filed on or before September 18, 2009.

ENTER:



James Edward Pelzer  
Clerk of the Court

September 3, 2009

SMITH v MERRILL LYNCH & CO., INC.