

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

M94050  
E/sl

REINALDO E. RIVERA, J.P.  
THOMAS A. DICKERSON  
L. PRISCILLA HALL  
PLUMMER E. LOTT, JJ.

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2008-11105

DECISION & ORDER ON MOTION

Tina Marie Diaz, respondent,  
v Nicola A. Diaz, appellant.

(Index No. 201528/03)

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Motion by the respondent on an appeal from an order of the Supreme Court, Nassau County, dated October 30, 2008, in effect, to waive the filing fee and for the assignment of counsel. Cross motion by the appellant to stay enforcement of an order of the same court dated March 8, 2007.

Upon the papers filed in support of the motion and the cross motion, and no papers having been filed in opposition or in relation thereto, it is

ORDERED that the branch of the motion which is, in effect, to waive the filing fee is denied as unnecessary; and it is further,

ORDERED that the branch of the motion which is for the assignment of counsel is denied; and it is further,


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

ORDERED that the respondent's time to serve and file a brief is enlarged until December 21, 2009, and the respondent's brief must be served and filed on or before that date; and it is further,

ORDERED that no further enlargement of time shall be granted.

RIVERA, J.P., DICKERSON, HALL and LOTT, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

November 4, 2009

DIAZ v DIAZ