

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

M246338  
E/jr

WILLIAM F. MASTRO, J.P.  
JOHN M. LEVENTHAL  
SANDRA L. SGROI  
FRANCESCA E. CONNOLLY, JJ.

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2017-04515

DECISION & ORDER ON MOTION

B. M., etc., et al., respondents-appellants,  
v Warwick Valley Central School District,  
et al., defendants, Wayne Rossi, appellant-  
respondent.

(Index No. 9243/06)

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On the Court's own motion, it is

ORDERED that the decision and order on motion of this Court dated January 24, 2018, in the above-entitled case is recalled and vacated, and the following decision and order on motion is substituted therefor:

Motion by the respondents-appellants on an appeal and a cross appeal from an order of the Supreme Court, Orange County, dated February 21, 2017, pursuant to CPLR 5520, in effect, to extend their time to file a notice of cross appeal, which was timely served. Application by Wayne Rossi pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to perfect his appeal.

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

ORDERED that the motion is granted, and on or before March 1, 2018, the respondents-appellants shall file the notice of cross appeal with the clerk of the Supreme Court, Orange County, and file proof of filing with this Court; and it is further,


ORDERED that the application is granted, the appellant-respondent's time to perfect the appeal is enlarged until March 22, 2018, and the joint record or appendix on appeal (*see* 22 NYCRR 670.8[c][1]) and the appellant-respondent's brief shall be served and filed on or before that date; and it is further,

February 15, 2018

B.M. v WARWICK VALLEY CENTRAL SCHOOL DISTRICT

ORDERED that the respondents-appellants shall serve and file their answering brief, including their points of argument on the cross appeal, in accordance with the rules of this Court (*see* 22 NYCRR 670.8[c][3]).

ENTER:

  
Aprilanne Agostino  
Clerk of the Court

February 15, 2018

B.M. v WARWICK VALLEY CENTRAL SCHOOL DISTRICT