

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

M246844  
E/sl

MARK C. DILLON, J.P.  
JOHN M. LEVENTHAL  
ROBERT J. MILLER  
JOSEPH J. MALTESE, JJ.

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2016-13121

DECISION & ORDER ON MOTION

In the Matter of Joseph Gentile, appellant,  
v Michael Capra, respondent.

(Index No. 170/16)

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Motion by the appellant for leave to prosecute an appeal from an order and judgment (one paper) of the Supreme Court, Westchester County, dated December 1, 2016, as a poor person and for the assignment of counsel.

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


ORDERED that the branch of the motion which is for leave to prosecute the appeal on the original papers is granted, and the appeal will be heard on the original papers (including the transcript of the proceedings, if any) and on the briefs of the parties, who are directed to file nine copies of their respective briefs and to serve one copy on each other; and it is further,

ORDERED that the branches of the motion which are to waive payment of the filing fee, for free transcripts, and for the assignment of counsel are denied; and it is further,

ORDERED that on the Court's own motion, the appellant's time to perfect the appeal by causing the original papers constituting the record on the appeal to be filed in the office of the Clerk of this Court (*see* 22 NYCRR 670.9[d][2]), and by serving and filing a brief on the appeal is enlarged until May 1, 2018.

DILLON, J.P., LEVENTHAL, MILLER and MALTESE, JJ., concur.

ENTER:

  
Aprilanne Agostino  
Clerk of the Court

March 2, 2018

MATTER OF GENTILE v CAPRA