

**Malerba v New York City Trans. Auth.**

Motion No: 2024-03545

Slip Opinion No: 2024 NY Slip Op 74101(U)

Decided on September 12, 2024

Appellate Division, First Department, Motion Decision

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Judiciary Law § 431.

This motion is uncorrected and is not subject to publication in the  
Official Reports.

**Supreme Court of the State of New York**  
**Appellate Division, First Judicial Department**

Present – Hon. Tanya R. Kennedy,  
Martin Shulman  
Bahaati E. Pitt-Burke  
John R. Higgitt  
Kelly O’Neill Levy,

Justice Presiding,

Justices.

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Peter Malerba and Janet Malerba,  
Plaintiffs-Respondents,

Motion No. 2024-03545

Index No. 113520/09

Case No. 2023-05717

-against-

New York City Transit Authority,  
Metropolitan Transportation Authority  
(MTA),

Defendants-Appellants,

E.A. Technologies/Petrocelli and E.A.  
Technologies/Petrocelli, J.V., LLC,  
Defendants-Respondents,

Ansul Incorporated, et al.,  
Defendants.

[And a Third-Party Action]

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Defendants-appellants having moved for an extension of time to perfect the appeal taken to this Court from an order of the Supreme Court, New York County, entered on or about June 30, 2023,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted and the time to perfect the appeal extended to the January 2025 Term of this Court.

ENTERED: September 12, 2024

A handwritten signature in black ink, appearing to read "Susanna Molina Rojas". The signature is written in a cursive, flowing style.

Susanna Molina Rojas  
Clerk of the Court