

FILED
AND ENTERED
ON JUL - 8 2008
City Court Of White Plains

Present: HON. JO ANN FRIIA
CITY COURT JUDGE

-----X
MIDLAND FUNDING LLC,

Plaintiff;

-against-

GLORIA SHEPERD,

Defendant.
-----X

DECISION ON MOTION

TO COMMENCE THE
STATUTORY TIME PERIOD
FOR APPEALS AS OF RIGHT
(CPLR 5513[a]) YOU ARE
ADVISED TO SERVE A COPY
OF THIS ORDER, WITH NOTICE
OF ENTRY, UPON ALL PARTIES.

INDEX NO.: CV 60/08
MOTION DATE: 6/3/08

The following papers numbered 1 to 7 read on this motion by defendant.

Notice of Motion	1
Affirmation of Daniel A. Schlanger	2
Exhibits 1 - 6	3
Affirmation of Tina B. Davidson	4
Exhibit A	5
Reply Affirmation of Daniel A. Schlanger	6
Exhibits A - C	7


Filed Papers: All papers on file.

Upon the foregoing papers, the Court finds and decides as follows:

Motion pursuant to CPLR 3211 (a) (8) for an order dismissing the action is granted together with costs in the amount of \$50.00 (UCCA § 1906). Upon a review of the moving papers, it is evident that defendant has substantially refuted the process server's affidavit. Plaintiff fails to offer any evidence to suggest that service in this case was effectuated in a manner prescribed by law.

THIS DECISION CONSTITUTES THE ORDER OF THE COURT

Dated: White Plains, New York
July 8, 2008


HON. JO ANN FRIA
CITY COURT JUDGE

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