

Eliot I. Bernstein

2753 Northwest 34th Street

Boca Raton FL 33434

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
 Thurgood Marshall U.S. Courthouse at Foley Square 40 Centre Street, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

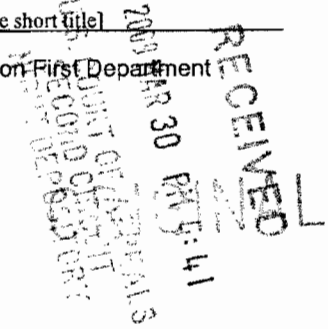
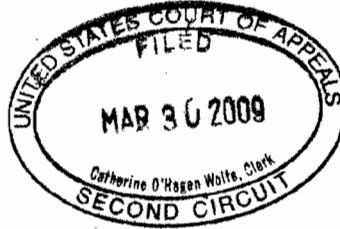
Docket Number(s): 08-4873-cv

Caption (use short title)

Bernstein v. Appellate Division First Department

Motion for: Enlargement of time to file State Appellees' Brief until April 29, 2009.

Set forth below precise, complete statement of relief sought:



MOVING PARTY:

- Plaintiff Defendant
 Appellant/Petitioner Appellee/Respondent

OPPOSING PARTY: Plaintiff-Appellant

MOVING ATTORNEY:

[name of attorney, with firm, address, phone number, and e-mail]

Patrick J. Walsh
 Office of the New York Attorney General
 120 Broadway, 25th Floor
 New York, NY 10271
 (212) 416-6197
 patrick.walsh@oag.state.ny.us

OPPOSING ATTORNEY:

[name of attorney, with firm, address, phone number, and e-mail]

Eliot I. Bernstein P. Stephen Lamon
 39 Little Avenue 35 Locust Ave.
 Red Bluff, CA 96080 Rye, NY 10580
 (Pro Se) (Pro Se)

Court-Judge/Agency appealed from: United States District Court for the Southern District of New York (Hellerstein, J.)

Please check appropriate boxes:

- Has consent of opposing counsel:
 A. been sought? Yes No
 B. been obtained? Yes No

- Is oral argument requested?
 (requests for oral argument will not necessarily be granted) Yes No

- Has argument date of appeal been set:
 If yes, enter date Yes No

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:

- Has request relief been made below? Yes No

- Has this relief been previously sought in this Court? Yes No

Requested return date and explanation of emergency:

Signature of Moving Attorney:

[Handwritten signature]

Date: 3/30/09

- Has service been effected? Yes No
 [Attach proof of service]

ORDER

IT IS HEREBY ORDERED that the motion by Appellees the State defendants for an extension of time to file their brief is GRANTED. Appellees' brief shall be filed on or before April 29, 2009. The appeal shall be heard no earlier than the week of June 15, 2009.

APR 02 2009

Date

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk

by

[Handwritten signature]

Joy Fallick, Administrative Attorney



ps

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT
THURGOOD MARSHALL U.S. COURT HOUSE
40 FOLEY SQUARE
NEW YORK 10007

Catherine O'Hagan Wolfe
CLERK



Date: 4/2/09
Docket Number: 08-4873-cv
Short Title: Bernstein v. Appellate Division First Department Discipline
DC Docket Number: 07-cv-11196
DC: SDNY (NEW YORK CITY)
DC Judge: Honorable Shira Scheindlin

PRO SE APPEAL SUBSEQUENT SCHEDULING ORDER #3
MAKE ALL TELEPHONE INQUIRIES TO (212) 857 - 8527

An initial request for extension of time having been made:

IT IS HEREBY ORDERED that the originating court shall be responsible for filing the record on appeal on or before **04/02/2009**;

IT IS FURTHER ORDERED that appellant's brief and appendix, which may be filed in typewritten form, shall be served and filed on or before **N/A**. If appellant's brief does not exceed ten (10) pages, it may be filed in memorandum form.

IT IS FURTHER ORDERED that the appellee's brief may be served and filed on or before **04/29/2009**. If appellee's brief does not exceed 10 pages, it may be filed in memorandum form.

IT IS FURTHER ORDERED that 10 copies of each brief, memorandum or appendix may be filed with the Clerk.

IT IS FURTHER ORDERED that the appellee may, without further order of the court, file 10 copies of an appendix to its brief, or 10 copies attached to its memorandum.

IT IS FURTHER ORDERED that the argument of the appeal may be heard as early as the week of **06/15/2009**. All counsel should immediately advise the Clerk by letter of the dates thereafter that they are unavailable for oral argument. The time and place of oral argument may be separately noticed by the Clerk to counsel.

IT IS FURTHER ORDERED that in the event of default by appellant in timely filing the record on appeal, or the appellant's brief and appendix, or memorandum and appendix, or upon default by appellant regarding any other provision of this order, the appeal may be dismissed forthwith without further notice.