

**SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION: FIRST DEPARTMENT**

SUSAN CHARNEY,

Plaintiff - Respondent

-against-

JUDITH HERSKOWITZ,

Defendant - Appellant

NORTH JERSEY TRADING CORPORATION,  
ALEXANDER FRIED, [REDACTED]  
[REDACTED]

Defendants.

New York County  
Index No. 24517/88

**NOTICE OF MOTION**

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PLEASE TAKE NOTICE that upon the annexed affidavit of JUDITH HERSKOWITZ dated September 7, 2007 and the papers annexed thereto, the undersigned will move this Court at the courthouse thereof located at 27 Madison Avenue, New York, New York 10010 on the 28<sup>th</sup> day of October 2008 at 9:30 A.M. in the forenoon of that date, or as soon thereafter as counsel maybe heard for an order to Vacate and Set Aside the September 2, 2008 Order Dismissing the Appeal and to proceed with the plenary appeal and for such other further relief as the court may seem just and equitable.

Please take further notice that pursuant to CPLR §2214 all answering papers should be received at least seven days before the return date of this motion. Furthermore should you use an overnight service such as Express Mail please note that the signature of the recipient is required to be waived.

Dated: Miami Beach, Fl.  
September 29, 2008

Respectfully submitted,

JUDITH HERSKOWITZ

Appellant Pro se

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By : \_\_\_\_\_  
JUDITH HERSKOWITZ

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