

SHORT FORM ORDER

SUPREME COURT - STATE OF NEW YORK

PRESENT: HON. DAVID J. AYRES,  
Justice.

TRIAL PART 45

PATRICK J NOONAN and MARGARET NOONAN,  
Plaintiffs,

-against-

MOTION SEQ # 001  
INDEX NO. 12858/2004

ESTATE OF CATHERINE GALLAGHER BIRKEL  
A/K/A KAY G. BIRKEL F/K/A KAY RYDER BY  
LOU MACPHERSON, EXECUTRIX AND  
RESIDUAL BENEFICIARIES RAYMOND RYDER,  
VIRGINIA M. CLARK AND JOAN A. SURKO,  
Defendants.

MOTIONS SUBMITTED:  
JANUARY 12, 2005

The following papers read on this motion:

Order to Show Cause/Affidavit in Support/Exhibits . . . . . X  
Proof of Service . . . . . X

Plaintiffs' Order to Show Cause requesting an order allowing the amendment of the caption herein and an extension of time to serve an Amended Summons and Complaint is granted, without opposition.

Accordingly, it is hereby ordered that the caption of this matter shall be amended to read as follows:

PATRICK J NOONAN and MARGARET NOONAN,  
Plaintiffs,

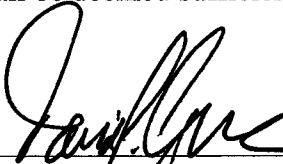
-against-

ESTATE OF CATHERINE GALLAGHER BIRKEL  
a/k/a KAY G. BIRKEL f/k/a KAY RYDER by LOU  
MACPHERSON, Executrix and Residual Beneficiaries,  
ESTATE OF RAYMOND F. RYDER a/k/a RAYMOND  
RYDER, by MIRIAM RYDER, Executrix, VIRGINIA  
M. CLARK and JOAN A. SURKO,  
Defendants.

It is further ordered that plaintiff's time to serve the proposed Amended Summons and Verified Amended Complaint upon MIRIAM RYDER, as Executrix of the ESTATE OF RAYMOND F. RYDER a/k/a RAYMOND RYDER is extended to March 26, 2005. The mailing of the Amended Summons and Verified Amended Complaint, as set forth in Exhibit B of Plaintiffs' instant motion, to all other parties named herein shall be deemed sufficient service.

IT IS SO ORDERED.

Dated: January 26, 2005



Hon. David J. Ayres  
County Court Judge and  
Acting Supreme Court Justice

**ENTERED**

JAN 28 2005

NASSAU COUNTY  
COUNTY CLERK'S OFFICE