

**Supreme Court of the State of New York**  
**Appellate Division: Second Judicial Department**

M71441  
E/sl

REINALDO E. RIVERA, J.P.  
DAVID S. RITTER  
HOWARD MILLER  
MARK C. DILLON, JJ.

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2007-06391

DECISION & ORDER ON MOTION

Pourquoi M.P.S., Inc., etc., appellant,  
v Worldstar International, Ltd., respondent,  
et al., defendant.

(Index No. 4883-05)

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Motion by the respondent to dismiss an appeal from an order of the Supreme Court, Suffolk County, dated September 20, 2007, on the ground that it has been rendered academic, to direct the appellant to serve and file a supplemental record, and to enlarge its time to serve and file a brief.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is


ORDERED that the branch of the motion which is to dismiss the appeal is held in abeyance and referred to the panel of Justices hearing the appeal for determination upon the argument or submission thereof; and it is further,

ORDERED that the branch of the motion which is to enlarge the respondent's time to serve and file a brief is granted, the respondent's time to serve and file a brief is enlarged until July 7, 2008, and the respondent's brief must be served and filed on or before that date; and it is further,

ORDERED that the motion is otherwise denied.

RIVERA, J.P., RITTER, MILLER and DILLON, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

June 5, 2008

POURQUOI M.P.S., INC. v WORLDSTAR INTERNATIONAL, LTD.