

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

M71547
E/sl

PETER B. SKELOS, J.P.
HOWARD MILLER
EDWARD D. CARNI
CHERYL E. CHAMBERS, JJ.

2006-11381

DECISION & ORDER ON MOTION

Mark Albert, respondent,
v Allison Albert, appellant.

(Index No. 204156/00)

Motion by the respondent, inter alia, to dismiss an appeal from a judgment of the Supreme Court, Nassau County, entered August 25, 2006, on the ground that the appellant did not provide all the trial transcripts and on the ground that the appellant did not file the trial exhibits, and pursuant to 22 NYCRR 130-1.1-a(a) for an award of costs.

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 on the ground that the appellant did not provide all the trial transcripts 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 dismiss the appeal on the ground that the appellant did not file the trial exhibits is denied on condition that on or before July 7, 2008, the appellant file the trial exhibits; and it is further,

ORDERED that on or before June 20, 2008, the respondent shall provide all trial exhibits in his possession to the appellant; and it is further,

ORDERED that the motion is otherwise denied; and it is further,

June 9, 2008

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ORDERED that the respondent's brief shall be served and filed on or before August 4, 2008.

SKELOS, J.P., MILLER, CARNI and CHAMBERS, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court