

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

M71866  
E/sl

FRED T. SANTUCCI, J.P.  
DANIEL D. ANGIOLILLO  
RANDALL T. ENG  
CHERYL E. CHAMBERS, JJ.

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2008-01657

DECISION & ORDER ON MOTION

Bais Yoel Ohel Feige, etc., et al., appellants-respondents, v Congregation Yetev Lev D'Satmar of Kiryas Joel, respondent-appellant.

(Index No. 04-4075)

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Motion by the respondent-appellant on an appeal from a judgment of the Supreme Court, Orange County, entered February 14, 2008, to strike the appendix and brief of the appellants-respondents on the ground that they contain or refer to matter de hors the record and to enlarge the 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 motion is granted and the appendix and brief of the appellants-respondents are stricken; and it is further,

ORDERED that on or before July 16, 2008, the appellants-respondents are directed to serve and file a replacement brief that does not refer to matter de hors the record and an appendix that does not contain the material on pages 521 through 674 and 945 through 950 of the stricken appendix, contains color copies of the photographs on pages 737 through 741, 790 through 799, and 806 through 834 of the stricken appendix, does not contain page numbers that obscure trial testimony, is consecutively paginated, and contains the page headings required by CPLR 5529(c) and page numbers preceded by the letter "A"; and it is further,

June 13, 2008

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KIRYAS JOEL

ORDERED that the respondent-appellant shall serve and file its answering brief, including its points of argument on the cross appeal, on or before August 15, 2008 (*see* 22 NYCRR 670.8[c][3]).

SANTUCCI, J.P., ANGIOLILLO, ENG 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