

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

M71891
E/sl

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

2007-11016

DECISION & ORDER ON MOTION

Theodore Leviton, respondent,
v Scott Unger, et al., appellants.

(Index No. 7129/07)

Motion by the appellants on an appeal from an order of the Supreme Court, Nassau County, dated October 17, 2007, to strike stated portions of the respondent's brief on the ground that they refer to matter dehors the record.

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

ORDERED that the motion is granted, the last paragraph on page 6 and the paragraph consisting of the last two lines on page 9 and the first two lines on page 10 of the respondent's brief are stricken, and on or before June 30, 2008, the respondent shall delete or remove that material from the copies of his brief filed with the Clerk of the court; and it is further,

ORDERED that the appellants' time to serve and file a reply brief is enlarged until July 10, 2008, and the reply brief, if any, must be served and filed on or before that date.

SANTUCCI, J.P., ANGIOLILLO, ENG and CHAMBERS, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

June 16, 2008

LEVITON v UNGER