

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

M71903
E/sl

DAVID S. RITTER, J.P.
HOWARD MILLER
MARK C. DILLON
WILLIAM E. McCARTHY, JJ.

2007-09251

DECISION & ORDER ON MOTION

Mitchel D. Ramos, respondent,
v Alicia Court Enterprises, Inc., et al.,
defendants; County of Westchester,
nonparty-appellant.

(Index No. 98-398)

Motion by the respondent to dismiss an appeal from an order of the Supreme Court, Westchester County, entered September 11, 2007, on the ground that the record on appeal is inadequate, to strike the record on appeal and the nonparty-appellant's brief, and to enlarge the time to serve and file a brief. Cross motion by the nonparty-appellant to impose a sanction upon the respondent for making a frivolous motion.

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

ORDERED that the branch of the motion which is to strike the record on appeal and the nonparty-appellant's brief 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 16, 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; and it is further,

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ORDERED that the cross motion is denied.

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

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive style with a large, sweeping initial "J".

James Edward Pelzer
Clerk of the Court