

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

M72017
E/sl

REINALDO E. RIVERA, J.P.
ROBERT A. LIFSON
HOWARD MILLER
JOSEPH COVELLO, JJ.

2007-08460

DECISION & ORDER ON MOTION

Jacklyn Deans, etc., et al., appellants-respondents,
v Jamaica Hospital Medical Center, respondent-
appellant

(Index No. 26844/03)

Motion by the respondent-appellant on an appeal and cross appeal from an order of the Supreme Court, Queens County, entered July 16, 2007, to strike stated portions of the joint appendix and the appellants-respondents' brief on the ground that they contain or refer to matter dehors the record, to compel the appellants-respondents to file a joint appendix that contains certain exhibits, to compel the appellants-respondents to file a joint appendix that does not contain matter dehors the record, and to enlarge the time to serve and file an answering brief, including its points of argument on the cross appeal (*see* 22 NYCRR 670.8[c][3]).

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 strike stated portions of the joint appendix and the appellants-respondents' brief on the ground that they contain or refer to matter dehors the record is granted to the extent that pages A310 through A314 of the joint appendix and the last two paragraphs on page 19, footnote 2 on page 19, and the first paragraph on page 20, which carried over from the previous page, of the appellants-respondents' brief are stricken, and on or before July 3, 2008, the appellants-respondents shall delete or remove that material from the copies of the joint appendix and brief that are filed with the Clerk of this court; and it is further,

ORDERED that the branch of the motion which is to compel the appellants-respondents to file a joint appendix that contains certain exhibits is denied without prejudice to the respondent-appellant filing a joint supplemental appendix containing the material listed in paragraph 22 of the affirmation of Louis H. Klein dated May 21, 2008, filed in support of the respondent-appellant's motion; and it is further,

June 19, 2008

Page 1.


DEANS v JAMAICA HOSPITAL MEDICAL CENTER

ORDERED that the branch of the motion which is to enlarge the respondent-appellant's time to serve and file an answering brief, including its points of argument on the cross appeal (*see* 22 NYCRR 670.8[c][3]) is granted, the respondent-appellant's time to serve and file an answering brief is enlarged until July 21, 2008, and the respondent-appellant's answering brief as well as the joint supplemental appendix, if any, must be served and filed on or before that date; and it is further,

ORDERED that the motion is otherwise denied.

RIVERA, J.P., LIFSON, MILLER and COVELLO, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court