

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

M72066  
E/sl

REINALDO E. RIVERA, J.P.  
MARK C. DILLON  
EDWARD D. CARNI  
THOMAS A. DICKERSON, JJ.

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2006-11997

DECISION & ORDER ON MOTION

Regina Tischler, et al., respondents,  
v JP Morgan Chase Bank, N.A., appellant.

(Index No. 35101/02)

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Motion by the appellant on an appeal from an order of the Supreme Court, Kings County, entered November 1, 2006, in effect, for leave to reargue that branch of the prior motion of the respondent Regina Tischler which was to strike the record on appeal as incomplete or to direct the appellant to serve and file a supplemental record, which was determined by decision and order on motion of this court dated September 7, 2007. By decision and order on motion dated October 9, 2007, the matter was remitted to the Supreme Court, Kings County, to report on whether the court considered the plaintiffs' opposition papers in determining the appellant's motion for summary judgment which resulted in the order dated October 17, 2006, and the motion for leave to reargue was held in abeyance in the interim. The Supreme Court, Kings County, has filed its report.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, and upon the report of the Supreme Court, Kings County, dated May 19, 2008, and the papers filed in response to the report, it is

ORDERED that the motion for leave to reargue is granted and, upon reargument, so much of the decision and order on motion of this court dated September 7, 2007, as determined that branch of the prior motion of the respondent Regina Tischler which was to strike the record on appeal as incomplete or to direct the appellant to serve and file a supplemental record and directed the appellant to file a supplemental record as set forth in the first decretal paragraph of that order, is recalled and vacated, and that branch of the motion is denied; and it is further,

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ORDERED that the respondents' time to serve and file their briefs is enlarged until July 18, 2008, and the respondents briefs must be served and filed on or before that date.

RIVERA, J.P., DILLON, CARNI and DICKERSON, 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