

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

M72096  
E/sl

WILLIAM F. MASTRO, J.P.  
REINALDO E. RIVERA  
DAVID S. RITTER  
JOSEPH COVELLO, JJ.

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2006-05863

DECISION & ORDER ON MOTION

Caroline Barry, respondent,  
v Kevin A. Barry, appellant.

(Index No. 350060-01)

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Motion by the respondent on an appeal from an order of the Supreme Court, Suffolk County, dated May 3, 2006, inter alia, to strike pages 138 through 153 of the record on appeal and to enlarge the time to serve and file a brief. By decision and order on motion dated July 24, 2007, those branches of the respondent's motion which were to strike pages 138 through 153 of the record and to enlarge the time to serve and file a brief were held in abeyance and the matter was remitted to the Supreme Court, Suffolk County, to report on whether it considered the papers contained on pages 138 through 153 of the record in determining the motions which resulted in the order dated May 3, 2006.


Upon the papers filed in support of the motion and the papers filed in opposition thereto, and upon the report of the Supreme Court, Suffolk County, and the papers filed in response thereto, it is

ORDERED that the branch of the motion which is to strike pages 138 through 153 of the record on appeal is held in abeyance and is 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 21, 2008, and the respondent's brief must be served and filed on or before that date.

MASTRO, J.P., RIVERA, RITTER and COVELLO, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

June 20, 2008

BARRY v BARRY