

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

M77257  
S/sl

REINALDO E. RIVERA, J.P.  
PETER B. SKELOS  
STEVEN W. FISHER  
RUTH C. BALKIN, JJ.

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2005-07297

DECISION & ORDER ON MOTION

Domenico Monaco, appellant, et al., plaintiff,  
v Benjamin Van Meerendonk, et al., respondents.

(Index No. 7774/90)

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On the court's own motion, it is

ORDERED that its decision and order on motion dated October 15, 2008, in the above-entitled matter, which granted the appellant's motion, inter alia, to reinstate an appeal from an order of the Supreme Court, Kings County, dated August 10, 2005, is amended by deleting the fourth decretal paragraph thereof and substituting therefor the following decretal paragraph:

“ORDERED that on or before November 14, 2008, the parties shall each file all trial exhibits in their possession with the Clerk of this court; in the event that any of the original exhibits cannot be found, the appellant may either move for leave to perfect the appeal without the missing exhibits or for a reconstruction hearing; and it is further,”

RIVERA, J.P., SKELOS, FISHER and BALKIN, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

October 17, 2008

MONACO v MEERENDONK