

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

M77469
E/sl

STEVEN W. FISHER, J.P.
HOWARD MILLER
MARK C. DILLON
RANDALL T. ENG, JJ.

2008-00676, 2008-06986

DECISION & ORDER ON MOTION

Leslie Rudman, respondent-appellant,
v Michael Rudman, appellant-respondent.
(Appeal No. 1)

Leslie Rudman, respondent,
v Michael Rudman, appellant.
(Appeal No. 2)

(Index No. 200789/03)

Motion by Leslie Rudman on an appeal and cross appeal from a judgment of the Supreme Court, Nassau County, dated November 26, 2007, and an appeal from an order of the same court dated June 3, 2008, inter alia, to dismiss the appeal for failure to comply with § 670.8 of the rules of this court regarding filing of the joint appendix, to strike stated portions of the joint appendix and Michael Rudman's brief on the ground that they contain or refer to matter de hors the record, and to enlarge the time to serve and file a brief. Application by the attorney for the child pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to serve and file a brief.

Upon the papers filed in support of the motion and the papers filed in opposition and in relation thereto, and upon the application, it is

ORDERED that the branch of the motion which is to dismiss the appeal for failure to comply with § 670.8 of the rules of this court regarding filing of the joint appendix is granted to the extent that the parties' attorneys shall consult and on or before November 21, 2008, Michael Rudman shall serve and file a supplemental joint appendix that contains any additional portions of the record necessary to permit the court to fully consider the issues which will be raised by the parties; and it is further,

October 22, 2008

RUDMAN v RUDMAN

Page 1.

ORDERED that the branch of the motion which is to strike pages A1706 through A1729 and A1765 through A1768 of the joint appendix is granted and on or before November 21, 2008, Michael Rudman shall delete or remove those pages of the joint appendix which were filed with the Clerk of the court; and it is further,

ORDERED that the branch of the motion which is to strike Points I and IV of Michael Rudman's brief is granted and on or before November 21, 2008, Michael Rudman shall delete or remove the pages containing those points from the copies of the briefs that were filed with the Clerk of the court or serve and file a replacement brief that does not contain the material contained in those points; and it is further,

ORDERED that the branch of the motion which is to enlarge the time to serve and file a brief is granted, Leslie Rudman's time to serve and file a brief, including her points of argument on the cross appeal (*see* 22 NYCRR 670.8[c][3]), is enlarged until December 22, 2008, and Leslie Rudman'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,

ORDERED the application is granted and the time of the attorney for the child to serve and file a brief is enlarged until December 22, 2008, and the brief of the attorney for the child must be served and filed on or before that date.

FISHER, J.P., MILLER, DILLON and ENG, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court