

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

M77528
E/sl

PETER B. SKELOS, J.P.
DANIEL D. ANGIOLILLO
RUTH C. BALKIN
ARIEL E. BELEN, JJ.

2008-04462

DECISION & ORDER ON MOTION

In the Matter of Vincent Terranova, deceased.
Elvira Terranova, appellant; Carl Terranova,
et al., respondents.

(File No. 3511/92)

Motion by the respondents to strike stated portions of the appellant's reply brief on an appeal from an order of the Surrogate's Court, Queens County, dated April 15, 2008. Cross motion by the appellant to strike stated portions of the respondents' brief, or for leave to reargue her motion, in effect, to enlarge the record to include certain documents and for leave to file a supplemental appendix containing those documents, which was determined by decision and order on motion dated September 18, 2008.

Upon the papers filed in support of the motion and the cross motion, and the papers filed in opposition thereto, it is

ORDERED that the motion is granted, the paragraph which begins on page 7 with the word "Moreover" and ends on page 8 with the words "Life Insurance Trust," as well as footnote 3 on page 8 are stricken, from the appellant's reply brief, and on or before November 6, 2008, the appellant shall either delete or remove that material from the copies of the reply brief filed with the Clerk of the court or serve and file a replacement reply brief that does not contain the stricken material; and it is further,

ORDERED that the cross motion is denied.

SKELOS, J.P., ANGIOLILLO, BALKIN and BELEN, JJ., concur.

ENTER:


James Edward Pelzer

October 23, 2008

MATTER OF TERRANOVA, DECEASED

Clerk of the Court

October 23, 2008

MATTER OF TERRANOVA, DECEASED