

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

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E/sl

A. GAIL PRUDENTI, P.J.
WILLIAM F. MASTRO
STEVEN W. FISHER
MARK C. DILLON, JJ.

2007-07061

DECISION & ORDER ON MOTION

William F. Helmer, etc., et al., appellants,
v Marc A. Comito, et al., respondents.

(Index No. 05-7094)

Motion by the respondents on an appeal from an order of the Supreme Court, Rockland County, dated June 26, 2007, to dismiss the appeal on the ground that the appellants did not serve the record and brief on the respondents, or, in effect, to remove the case from the calendar of October 23, 2008, to enlarge the time to serve and file a brief, and to recalendar the appeal.

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

ORDERED that the branches of the motion which are to remove the case from the calendar of October 23, 2008, to enlarge the time to serve and file a brief, and to recalendar the appeal, are granted, and the appeal is removed from the calendar for October 23, 2008; and it is further,

ORDERED that the appellants shall serve the respondents with the record on appeal and the appellants' brief on or before October 30, 2008; and it is further,

ORDERED that the respondents shall serve and file their brief on or before December 1, 2008; and it is further,

ORDERED that the appellants shall serve their reply brief, if any, on or before December 16, 2008; and it is further,

ORDERED that the appeal will be recalendared after all briefs have been filed; and it is further,

October 23, 2008

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ORDERED that the motion is otherwise denied.

PRUDENTI, P.J., MASTRO, FISHER and DILLON, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive style with a large, looping initial "J".

James Edward Pelzer
Clerk of the Court