

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

M78106
E/sl

ANITA R. FLORIO, J.P.
HOWARD MILLER
EDWARD D. CARNI
ARIEL E. BELEN, JJ.

2008-03837

DECISION & ORDER ON MOTION

Aztec Window & Door Mfg., Inc., respondent,
v 71 Village Road, LLC, appellants.

(Index No. 33030/07)

Motion by the respondent, in effect, to strike the record on an appeal from an order of the Supreme Court, Kings County, dated April 2, 2008, on the ground that the appellants did not settle the transcript of oral argument on the underlying motion and cross motion, to direct the appellants to settle the transcript, and to enlarge its time to serve and file a brief.

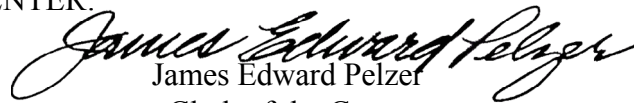
Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the branches of the motion which are, in effect, to strike the record and to direct the appellants to settle the transcript are granted to the extent that on or before December 5, 2008, the appellants shall settle the transcript of oral argument and either (1) advise the court that no corrections to the transcript are necessary, (2) make handwritten corrections to transcripts contained in the copies of the record filed with the Clerk of the court, (3) serve and file a supplemental record containing an errata sheet, or (4) serve and file a supplemental record containing a corrected transcript and delete or remove the transcript of oral argument contained in the copies of the record filed with the Clerk of the court; 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 January 5, 2009, and the respondent's brief must be served and filed on or before that date.

FLORIO, J.P., MILLER, CARNI and BELEN, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

November 7, 2008

AZTEC WINDOW & DOOR MFG., INC. v 71 VILLAGE ROAD, LLC