

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

M78340
E/sl

WILLIAM F. MASTRO, J.P.
REINALDO E. RIVERA
STEVEN W. FISHER
RANDALL T. ENG, JJ.

2007-11582

DECISION & ORDER ON MOTION

Vidal Argueta, et al., appellants,
v Robert Simeone Construction, Inc.,
defendant, Felix Jackson, et al., respondents.

(Index No. 4257-05)

Motion by Robert Simeone Construction, Inc., to strike the appellants' brief on an appeal from an order of the Supreme Court, Suffolk County, entered October 25, 2007, on the ground that the notice of appeal limited the issues to be raised on the appeal, and to dismiss the appeal. Application by the appellants pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to serve and file a reply brief.


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

ORDERED that the motion is granted and the appeal is dismissed, without costs or disbursements; and it is further,

ORDERED that the application is denied as academic.

MASTRO, J.P., RIVERA, FISHER and ENG, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

November 12, 2008

ARGUETA v ROBERT SIMEONE CONSTRUCTION, INC.