

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

M78561
S/sl

ROBERT A. SPOLZINO, J.P.
ANITA R. FLORIO
HOWARD MILLER
JOHN M. LEVENTHAL, JJ.

2007-11459

DECISION & ORDER ON MOTION

In the Matter of Debby Sblendorio, respondent,
v Pat D'Agostino, appellant.

(Docket No. O-03216-06)

On the court's own motion, it is

ORDERED that its decision and order on motion dated September 19, 2008, in the above-entitled matter is recalled and vacated, and the following decision and order on motion is substituted therefor:

Motion by the appellant to enlarge the record on an appeal from an order of the Family Court, Richmond County, dated November 19, 2007, to include certain documents.

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

ORDERED that the branch of the motion which is to enlarge the record to include the documents annexed to the appellant's motion papers as Exhibit Nos. B and C is granted, and on or before October 20, 2008, the appellant shall file those Exhibits with the Clerk of this court as original papers; and it is further,

ORDERED that the branch of the motion which is to enlarge the record to include the document annexed to the appellant's motion papers as Exhibit D is granted to the extent that that Exhibit shall be filed with the Clerk of this court under seal for this court's in camera review and that branch of the motion is otherwise denied; and it is further,

November 17, 2008

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ORDERED that the appellant's time to serve and file a brief is enlarged until October 20, 2008, and the appellant's brief must be served and filed on or before that date; and it is further,


ORDERED that no further enlargement of time shall be granted; and it is further,

ORDERED that the branch of the motion which is to enlarge the record to include a "Domestic Violence Registry Information Order Recap" form is denied as unnecessary as that document is part of the record on appeal and shall be filed with the Clerk of this court under seal; and it is further,

ORDERED that the motion is otherwise denied.

SPOLZINO, J.P., FLORIO, MILLER and LEVENTHAL, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court