

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

M78731
E/sl

REINALDO E. RIVERA, J.P.
MARK C. DILLON
JOSEPH COVELLO
WILLIAM E. McCARTHY, JJ.

2008-07115

DECISION & ORDER ON MOTION

Yacine Dioum, respondent,
v Milkyway Cab Corp., et al., defendants,
Omonia Cab Corp., et al., appellants.

(Index No. 25644/06)

Motion by the respondent to strike the record on an appeal from an order of the Supreme Court, Kings County, dated June 26, 2008, as inadequate, to enlarge the time to serve and file a brief, and, pursuant to 22 NYCRR 130-1.1, to impose a sanction upon the appellants and for an award of costs and disbursements.

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

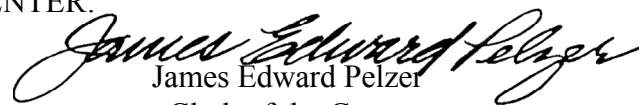
ORDERED that the branch of the motion which is to strike the record on appeal is denied on condition that on or before December 3, 2008, the appellants serve and file a supplemental record containing Exhibit I which was annexed to the respondent's papers submitted in opposition to the motion and in support of their cross motion that resulted in the order dated June 26, 2008; 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 2, 2009, and the respondent's brief must be served and filed on or before that date; and it is further,

ORDERED that the motion is otherwise denied.

RIVERA, J.P., DILLON, COVELLO and McCARTHY, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

November 19, 2008

DIOUM v MILKYWAY CAB CORP.