

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

M79081
E/cb

WILLIAM F. MASTRO, J.P.
HOWARD MILLER
RUTH C. BALKIN
WILLIAM E. McCARTHY, JJ.

2008-03589

DECISION & ORDER ON MOTION

Elizabeth Light, respondent,
v Lawrence Light, appellant, et al., defendants.

(Index No. 947/07)

Motion by the respondent to dismiss an appeal from an order of the Supreme Court, Putnam County, dated March 13, 2008, or to strike the appellant's reply brief and to impose a sanction upon the appellant and for an award of an attorney's fee and costs. Cross motion by the appellant to enlarge the record to include certain police reports and to correct the docket number on the cover of the copies of the record on appeal, appellant's brief, and appellant's reply brief filed with the Clerk of the court.

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

ORDERED that the branch of the motion which is to strike the appellant's reply brief is granted, and on or before December 15, 2008, the appellant shall serve and file a replacement reply brief that does not include issues not previously raised in the appellant's main brief and complies with the rules of the court (*see* 22 NYCRR 670.10.3[g][4]); and it is further,

ORDERED that the motion is otherwise denied; and it is further,

ORDERED that the branch of the cross motion which is to enlarge the record is denied; and it is further,

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ORDERED that the branch of the cross motion which is to correct the docket number on the record and the appellant's briefs is denied as unnecessary as the cover of the record on appeal and appellant's briefs were corrected by the Clerk of the court at the time of filing.

MASTRO, J.P., MILLER, BALKIN and McCARTHY, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court