

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

M79163
E/sl

STEVEN W. FISHER, J.P.
ANITA R. FLORIO
EDWARD D. CARNI
CHERYL E. CHAMBERS, JJ.

2007-11454

DECISION & ORDER ON MOTION

Andrew Barrett, etc., respondent,
v Steven Freifeld, defendant, Bernard
Chipetine, appellant.

(Index No. 1891/06)

Motion by the respondent to strike the reply brief of the appellant Rochester Drug Cooperative, Inc., on an appeal from an order of the Supreme Court, Nassau County, dated November 19, 2007, on the ground that it is in excess of the word limits allowed by the rules of this court, and cross motion by the appellant for leave to file an oversized reply brief of 7,719 words.

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 cross motion is granted; and it is further,

ORDERED that the motion is denied.

FISHER, J.P., FLORIO, CARNI and CHAMBERS, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

December 3, 2008

BARRETT v FREIFELD