

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

M79546
E/sl

PETER B. SKELOS, J.P.
FRED T. SANTUCCI
WILLIAM E. McCARTHY
THOMAS A. DICKERSON, JJ.

2008-03304

DECISION & ORDER ON MOTION

Michael Melnicke, respondent,
v Michael Brecher, et al., defendants,
Hershal Weiss, et al., appellants.

(Index No. 5185/04)

Motion by the respondent for leave to serve a supplemental record on an appeal from an order of the Supreme Court, Kings County, dated October 29, 2007, containing the transcript of oral argument of the underlying motion on May 31, 2007, and an affirmation of Solomon Rosengarten, dated January 23, 2007, with attached exhibits. Application by the respondent pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to serve and file a 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 on or before December 22, 2008, the respondent shall serve and file a supplemental record containing the transcript of oral argument of the underlying motion on May 31, 2007, and the affirmation of Solomon Rosengarten, dated January 23, 2007, with attached exhibits; and it is further,

ORDERED that the application is granted and the respondent's time to serve and file a brief is enlarged until December 22, 2008, and the respondent's brief must be served and filed on or before that date.

SKELOS, J.P., SANTUCCI, McCARTHY and DICKERSON, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

December 5, 2008

MELNICKE v BRECHER