

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

M79748

E/sl

REINALDO E. RIVERA, J.P.
DANIEL D. ANGIOLILLO
THOMAS A. DICKERSON
CHERYL E. CHAMBERS, JJ.

2008-04031

DECISION & ORDER ON MOTION

171 Sterling, LLC, etc., appellant,
v Stone Arts, Inc., respondent.

(Index No. 9597/07)

Motion by the respondent to enlarge the record on an appeal from an order of the Supreme Court, Nassau County, dated March 19, 2008, to include “proof of service of [an order of the Supreme Court, Nassau County, dated November 28, 2007], with notice of entry,” to enlarge the time to serve and file a brief, and, in effect, to strike portions of the appellant’s brief that raises issues relating to the order dated November 28, 2007.

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 is denied; and it is further,

ORDERED that the branch of the motion which is to strike portions of the appellant’s brief that raises issues relating to the order dated November 28, 2007, is held in abeyance and referred to the panel of Justices hearing the appeal for determination upon the argument or submission thereof; and it is further,

ORDERED that the branch of the motion which is to enlarge the time to serve and file a brief is granted and the respondent’s time to serve and file a brief is enlarged until January 20, 2009, and the respondent’s brief must be served and filed on or before that date.

RIVERA, J.P., ANGIOLILLO, DICKERSON and CHAMBERS, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

December 11, 2008

171 STERLING, LLC v STONE ARTS, INC.