

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

M80377  
E/sl

WILLIAM F. MASTRO, J.P.  
ANITA R. FLORIO  
RUTH C. BALKIN  
THOMAS A. DICKERSON, JJ.

---

2008-05041

DECISION & ORDER ON MOTION

Mohamed Keita, et al., appellants,  
v United Parcel Service, et al., respondents.

(Index No. 104672/07)

---

Motion by the appellants on an appeal from an order of the Supreme Court, Richmond County, dated April 18, 2008, to waive the requirements of 22 NYCRR 670.10.2(f) regarding certification of the record on appeal. Cross motion by the respondents United Parcel Service and Kutry B. Jerzy, inter alia, to dismiss the appeal on the ground that the record on appeal is inadequate, or, in the alternative, to enlarge the time to serve and file a brief.

Upon the papers filed in support of the motion and the cross motion, the papers filed in opposition to the motion, and no papers having been filed in opposition or in relation to the cross motion, it is

ORDERED that the motion is granted on condition that on or before January 28, 2009, the appellants serve and file a supplemental record containing the following documents:

- (1) summons and complaint, and answer;
- (2) notice of motion and affidavits annexed, thereto answering affidavits, and reply affidavits submitted in connection with the motion that resulted in the order being appealed;

and it is further,

ORDERED that the branch of the motion which is to enlarge the time of United Parcel Service and Kutry B. Jerzy to serve and file a brief is granted, the time of United Parcel Service and Kutry B. Jerzy to serve and file a brief is enlarged until February 27, 2009, and the brief of United Parcel Service and Kutry B. Jerzy must be served and filed on or before that date; and it is further,

December 24, 2008

Page 1.

KEITA v UNITED PARCEL SERVICE

ORDERED that the cross motion is otherwise denied.

MASTRO, J.P., FLORIO, BALKIN and DICKERSON, 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