

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

M86024
E/cb

MARK C. DILLON, J.P.
ANITA R. FLORIO
RUTH C. BALKIN
LEONARD B. AUSTIN, JJ.

2009-00617

DECISION & ORDER ON MOTION

Vincent Natoli, etc., et al., respondents,
v Louis Elias Milazzo, etc., et al., appellants.

(Index No. 38555/04)

Motion by the respondents to dismiss an appeal from an order of the Supreme Court, Kings County, dated November 24, 2008, to strike the record on appeal, for leave to file a supplemental record, and to enlarge the time to serve and file a brief. Cross motion by the appellants inter alia, to find the respondents in default for failing to file a brief, to preclude the respondents from filing a brief, and pursuant to 22 NYCRR Part 130 to impose a sanction upon the respondents.

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 enlarge the time to serve and file a brief is granted, the respondents' time to serve and file a brief is enlarged until June 1, 2009, and the respondents' brief must be served and filed on or before that date; and it is further,


ORDERED that no further enlargement of time shall be granted; and it is further,

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

ORDERED that the cross motion is denied.

DILLON, J.P., FLORIO, BALKIN and AUSTIN, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

May 4, 2009

NATOLI v MILAZZO