

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

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E/cb

WILLIAM F. MASTRO, J.P.
HOWARD MILLER
CHERYL E. CHAMBERS
LEONARD B. AUSTIN, JJ.

2008-11534

DECISION & ORDER ON MOTION

Joehau Collazo, respondent,
v Metropolitan Suburban Bus Authority,
et al., appellants, et al., defendants.

(Index No. 14223/02)

Motion by the respondent to strike stated portions of the appellants' appendix on an appeal from an order of the Supreme Court, Nassau County, entered December 10, 2008, on the ground that it contains matter dehors the record and to direct the appellant to file a supplemental appendix containing the respondent's memorandum of law dated July 22, 2007.

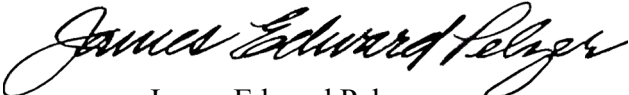
Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the branch of the motion which is to strike stated portions of the appellants' appendix is denied; and it is further,

ORDERED that the branch of the motion which is to direct the appellant to file a supplemental appendix containing the respondent's memorandum of law dated July 22, 2007, is denied without prejudice to the respondent filing an appendix containing that document on or before May 20, 2009.

MASTRO, J.P., MILLER, CHAMBERS and AUSTIN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

May 7, 2009

COLLAZO v METROPOLITAN SUBURBAN BUS AUTHORITY