

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

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E/cb

ANITA R. FLORIO, J.P.
JOSEPH COVELLO
RUTH C. BALKIN
LEONARD B. AUSTIN, JJ.

2008-09984

DECISION & ORDER ON

MOTION

Perry Finkelman, respondent,
v SBRE, LLC, appellant, et al., defendants.

(Index No. 13159/06)

Motion by the respondent on an appeal from an order of the Supreme Court, Nassau County, entered September 26, 2008, inter alia, to direct the appellant to file a supplemental record containing the trial transcript and the subject contract of sale, and 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, it is

ORDERED that the branch of the motion which is to direct the appellant to file a supplemental record is granted to the extent that on or before June 22, 2009, the appellant shall serve and file a supplemental record containing the trial transcript and the subject contract of sale or, in the alternative, if it be so advised, on or before May 22, 2009, the appellant may move to deem the record on appeal to be an appendix and file a copy of the settled transcript with the original papers; and it is further,

ORDERED that branch of the motion which is to enlarge the respondent's time to serve and file a brief is granted, the respondent's time to serve and file a brief is enlarged until July 22, 2009, and the respondent's brief must be served and filed on or before that date; and it is further,

ORDERED that the motion is otherwise denied.

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

ENTER:


James Edward Pelzer

May 8, 2009

FINKELMAN v SBRE, LLC

Clerk of the Court

May 8, 2009

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