

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

M86500  
E/cb

ROBERT A. SPOLZINO, J.P.  
DANIEL D. ANGIOLILLO  
JOHN M. LEVENTHAL  
PLUMMER E. LOTT, JJ.

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2008-05786

DECISION & ORDER ON MOTION

Aurora Loan Services, respondent,  
v Philip Grant, appellant, et al., defendant.

(Index No. 43363/07)

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Motion by the respondent on an appeal from an order of the Supreme Court, Kings County, dated May 29, 2008, to strike the appellant's replacement brief on the ground that it refers to matter dehors the record and to dismiss the appeal.

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

ORDERED that the motion is denied.

SPOLZINO, J.P., ANGIOLILLO, LEVENTHAL and LOTT, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

May 12, 2009

AURORA LOAN SERVICES v GRANT