

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

M86643
E/cb

REINALDO E. RIVERA, J.P.
HOWARD MILLER
RUTH C. BALKIN
LEONARD B. AUSTIN, JJ.

2008-04272, 2009-02754

DECISION & ORDER ON MOTION

In the Matter of Coalition to Save Cedar Hill,
et al., appellants, v Planning Board of Incorporated
Village of Port Jefferson, et al., respondents.

(Index Nos. 1811/07, 32344/08)

Motion by the appellants on appeals from two judgments of the Supreme Court, Suffolk County, dated April 2, 2008, and January 22, 2009, respectively, to enjoin the respondent Liberty Meadows, LLC, from filing a certain subdivision map or taking any action pursuant to any permit issued by the Village of Port Jefferson and to enjoin the respondent Planning Board of Incorporated Village of Port Jefferson from signing the subject subdivision map, pending determination of the appeals, to calendar the appeals together, and for leave to reference the record for the appeal from the judgment dated April 2, 2008, in the briefs for the appeal from the judgment dated January 22, 2009.

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 calendar the appeals together is granted, and the appeals will be calendared together and will be argued and submitted on the same day; and it is further,

ORDERED that the branch of the motion which is for leave to reference the record for the appeal from the judgment dated April 2, 2008 (Appellate Division Docket No. 2008-04272), in the briefs for the appeal from the judgment dated January 22, 2009 (Appellate Division Docket No. 2009-02754) is granted, and the briefs for the appeal from the judgment dated January 22, 2009, may reference the record for the appeal from the judgment dated April 2, 2008, without the need for

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duplicating the documents in the record for the appeal from the judgment dated April 2, 2008, in the record for the appeal from the judgment dated January 22, 2009; and it is further,

ORDERED that the motion is otherwise denied.

RIVERA, J.P., MILLER, BALKIN and AUSTIN, 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