

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

M86872
E/sl

STEVEN W. FISHER, J.P.
MARK C. DILLON
JOSEPH COVELLO
THOMAS A. DICKERSON, JJ.

2009-00264

DECISION & ORDER ON MOTION

New York Telephone Company, plaintiff,
v Supervisor of Town of North Hempstead,
et al., defendants third-party plaintiffs-appellants;
County of Nassau, et al., third-party defendants-
respondents.

(Index No. 12192/98)

Motion by the defendants third-party plaintiffs-appellants, inter alia, to strike items C, D, E, and F from the addenda of the brief of the third-party defendants-respondents on an appeal from an order of the Supreme Court, Nassau County, entered December 1, 2008, for leave to file an oversized reply brief of 10,000 words, and to enlarge the time to serve and file a reply 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 for leave to file an oversized reply brief of 10,000 words is denied without prejudice to making an application for this relief to the Clerk of the court pursuant to 22 NYCRR 670.10.3(e); and it is further,

ORDERED that the branch of the motion which is to enlarge the time to serve and file a reply brief is granted, and on or before June 9, 2009, the defendants third-party plaintiffs-appellants shall serve and file their reply brief, if any; and it is further,

ORDERED that the motion is otherwise denied.

FISHER, J.P., DILLON, COVELLO and DICKERSON, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

May 20, 2009

NEW YORK TELEPHONE COMPANY v SUPERVISOR OF TOWN OF
NORTH HEMPSTEAD