

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

M87022  
S/sl

STEVEN W. FISHER, J.P.  
MARK C. DILLON  
RUTH C. BALKIN  
ARIEL E. BELEN, JJ.

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2008-06713

DECISION & ORDER ON MOTION

In the Matter of Rose Glatzer, appellant,  
v Jay Z. Glatzer, respondent.

(Index No. 27235/06)

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Motion by the respondent, inter alia, to strike the appellant's brief and record on an appeal from an order of the Supreme Court, Kings County, dated May 8, 2008. By decision and order on motion dated March 25, 2009, the matter was remitted to the Supreme Court, Kings County, to report on whether the affirmation of Rabbi Peretz Steinberg, which was reviewed in connection with the motion and cross motion that resulted in the order dated May 8, 2008, was signed or unsigned at the time it was originally submitted, and the respondent's motion was held in abeyance in the interim. The Supreme Court, Kings County, has filed its report.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, and upon the report of the Supreme Court, Kings County, it is

ORDERED that the motion is granted to the extent that on or before June 10, 2009, the appellant shall (1) delete page 433 from the record on appeal, which is the last page of the unsigned affirmation of Rabbi Peretz Steinberg, and replace it with a signed and notarized version which appears as part of Exhibit A of the respondent's instant motion papers, or strike page 433 of the record and file a supplemental record containing that page of the signed and notarized affirmation, and (2) delete from the last line of page 5 of the appellant's brief the word "unsigned"; and delete from page 49 of the appellant's brief the sentence beginning with the words "The unsigned" and ending with the words "the Court below", and the motion is otherwise denied; and it is further,

May 21, 2009

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ORDERED that the respondent's time to serve and file a brief is enlarged until July 10, 2009, and the respondent's brief shall be served and filed on or before that date.

FISHER, J.P., DILLON, BALKIN and BELEN, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer  
Clerk of the Court