

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

M87503  
E/sl

REINALDO E. RIVERA, J.P.  
MARK C. DILLON  
RUTH C. BALKIN  
LEONARD B. AUSTIN, JJ.

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2008-11422

DECISION & ORDER ON MOTION

Joyce Milowski, respondent,  
v Raymond Michael, et al., appellants.

(Index No. 2299/07)

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Motion by the appellants on an appeal from a judgment of the Supreme Court, Nassau County, dated November 25, 2008, to waive the requirements of 22 NYCRR 670.10.2(f) regarding certification of the record on 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; and it is further,

ORDERED that the record on appeal and the appellants' brief are stricken and on or before July 9, 2009, the appellants shall (1) serve and file a replacement record or appendix that contains only papers submitted to the Supreme Court, Nassau County, which resulted in the judgment dated November 25, 2008, as well as the settled trial transcript, and a brief that does not refer to matter dehors the record, or (2) perfect the appeal on the original papers, as they were granted leave to do so by decision and order on motion of this court dated January 12, 2009, by causing the original papers, including a settled transcript of the proceedings, to be filed with the Clerk of the court and by filing nine copies of their briefs and serving one copy on the respondent.

RIVERA, J.P., DILLON, BALKIN and AUSTIN, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

June 3, 2009

MILOWSKI v MICHAEL