

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

M87828
E/sl

REINALDO E. RIVERA, J.P.
PETER B. SKELOS
RUTH C. BALKIN
JOHN M. LEVENTHAL, JJ.

2008-10697

DECISION & ORDER ON MOTION

Kazimierz Rzepniak, et al., respondents,
v KRNH, Inc., etc., et al., appellants.

(Index No. 704/08)

Motion by the respondents to strike Point III of the appellants' brief on an appeal from an order of the Supreme Court, Dutchess County, dated October 15, 2008, or, in the alternative, to take judicial notice of a certain order of the Supreme Court, Dutchess County. Separate motion by the appellants to stay the inquest in the above-entitled action pending hearing and determination of the appeal.

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

ORDERED that the motions are denied.

RIVERA, J.P., SKELOS, BALKIN and LEVENTHAL, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

June 11, 2009

RZEPNIAK v KRNH, INC.