

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

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E/sl

MARK C. DILLON, J.P.
FRED T. SANTUCCI
JOSEPH COVELLO
JOHN M. LEVENTHAL, JJ.

2008-10578

DECISION & ORDER ON MOTION

In the Matter of Eric Tolliver, petitioner,
v Brian Fischer, etc., respondent.

(Index No. 08-5256)


Motion by the respondent in a proceeding pursuant to CPLR article 78, which was transferred to this court by an order of the Supreme Court, Dutchess County, dated November 17, 2008, to supplement the record with a certain compact disc containing certain telephone calls made by the petitioner.

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

ORDERED that the motion is denied with leave to renew on or before June 25, 2009, upon proper papers, including proof establishing that the subject compact disc was admitted into evidence at the disciplinary hearing.

DILLON, J.P., SANTUCCI, COVELLO and LEVENTHAL, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

June 11, 2009

MATTER OF TOLLIVER v FISCHER