

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

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ROBERT A. SPOLZINO, J.P.
FRED T. SANTUCCI
ANITA R. FLORIO
PLUMMER E. LOTT, JJ.

2008-05946

DECISION & ORDER ON MOTION

In the Matter of Raphael Grossman, et al.,
petitioners, v Yaakov Aaron Ilowitz, et al.,
respondents.
(Proceeding No. 1)

(Index No. 6268/06)

In the Matter Yaakov Aaron Ilowitz, et al.,
petitioners-respondents, v Raphael Grossman,
et al., appellants.
(Proceeding No. 2)

(Index No. 19552/07)

Motion by Yaakov Aaron Ilowitz and Yisroel Chaim Ilowitz to dismiss an appeal from an order of the Supreme Court, Kings County, dated May 22, 2008, on the ground that the record on appeal is inadequate or to direct the appellants to serve and file a supplemental record and to enlarge the time to serve and file a brief.

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

ORDERED that the matter is remitted to the Supreme Court, Kings County, to report on whether the court considered the affirmation of Rabbi Mordechai Jofen dated January 8, 2008, in determining the motion that resulted in the order dated May 22, 2008, and the motion to dismiss

June 17, 2009

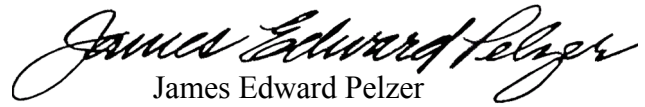
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is held in abeyance in the interim. The Supreme Court, Kings County, shall file its report with all convenient speed.

SPOLZINO, J.P., SANTUCCI, FLORIO and LOTT, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style with a large initial "J".

James Edward Pelzer
Clerk of the Court