

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

M88418
E/sl

PETER B. SKELOS, J.P.
DANIEL D. ANGIOLILLO
RUTH C. BALKIN
ARIEL E. BELEN, JJ.

2008-09323

DECISION & ORDER ON MOTION

Elizabeth Cioffi-Petrakis, appellant-respondent,
v Panagiotis Petrakis, respondent-appellant.

(Index No. 8252/08)

Motion by the respondent-appellant, inter alia, on an appeal and cross appeal from an order of the Supreme Court, Nassau County, dated August 1, 2008, to strike pages 424 through 440 of the joint record and references to those pages contained in the appellant-respondent's brief on the ground that they contain or refer to matter de hors the record, and to enlarge the time to serve and file an answering brief, including his points of argument on the cross appeal (*see* 22 NYCRR 670.8[c][3]). Application by the respondent-appellant pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to serve and file his answering brief.

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

ORDERED that the branch of the motion which is to strike pages 424 through 440 of the joint record and references to those pages contained in the appellant-respondent's brief is granted to the extent that pages 424 through 440 of the joint record and the appellant-respondent's brief are stricken; and it is further,

ORDERED that on or before July 13, 2009, the appellant-respondent shall remove pages 424 through 440 from the copies of the joint record filed with the Clerk of the court or serve and file a replacement joint record that does not contain the stricken material; and it is further,

ORDERED that on or before July 13, 2009, the appellant-respondent shall serve and file a replacement brief that does not refer to the stricken material; and it is further,

ORDERED that the branch of the motion which is to enlarge the time to serve and

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file an answering brief, including the points of argument on the cross appeal (*see* 22 NYCRR 670.8[c][3]), and the application are granted, the respondent-appellant's time to serve and file the answering brief is enlarged until August 12, 2009, and the answering brief must be served and filed on or before that date; and it is further,

ORDERED that the motion is otherwise denied.

SKELOS, J.P., ANGIOLILLO, BALKIN and BELEN, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court