

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

M88680  
E/sl

MARK C. DILLON, J.P.  
HOWARD MILLER  
JOHN M. LEVENTHAL  
ARIEL E. BELEN, JJ.

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2008-06641

DECISION & ORDER ON MOTION

Dune Deck Owners Corp., respondent,  
v J.J.& P. Associates Corp., et al., appellants.

(Index No. 14938-03)

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Motion by the respondent on an appeal from an order of the Supreme Court, Suffolk County, dated June 17, 2008, to strike the record and the appellants' brief or stated portions thereof on the ground that they contain or refer to matter de hors the 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 branch of the motion which is to strike the record and the appellants' brief or stated portions thereof is denied; and it is further,

ORDERED that the branch of the motion which is to enlarge the time to serve and file a brief is granted, the respondent's time to serve and file a brief is enlarged until July 27, 2009, and the respondent's brief must be served and filed on or before that date.

DILLON, J.P., MILLER, LEVENTHAL and BELEN, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

June 26, 2009

DUNE DECK OWNERS CORP. v J.J.& P. ASSOCIATES CORP.